



BILLET D'ÉTAT

WEDNESDAY 14th DECEMBER 2011

XXI
2011

1. The Housing (Control of Occupation) (Amendment of Housing Register) (No. 2) Ordinance, 2011, p. 2705
2. Priaulx Library Council – Election of New Member, p. 2705
3. Public Services Department – Belle Greve Phase V – Proposed New Inlet Works and Stormwater Retention Facility, p. 2706
4. Treasury and Resources Department – Mont Varouf School (Formerly St Saviour's School), p. 2719
5. Public Services Department – Guernsey Airport Radar Replacement, p. 2734
6. States Assembly and Constitution Committee - Rules Relating to the Election of Chief Minister, Deputy Chief Minister, Ministers and Chairmen, p. 2748

Ordinance laid before the States

The Libya (Restrictive Measures) (Guernsey) (Amendment) (No.3) Ordinance, 2011, p. 2756

Statutory Instruments laid before the States

Waste Disposal Charges (No.3) Regulations, 2011, p. 2756

The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No.5) Regulations, 2011, p. 2756

APPENDIX

1. Public Accounts Committee - Report for the Period 1st May 2009 to 30th September 2011, p. 2757

B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 14th DECEMBER, 2011** at 9.30am, to consider the items contained in this Billet d'État which have been submitted for debate.

G. R. ROWLAND
Bailiff and Presiding Officer

The Royal Court House
Guernsey
4 November 2011

**THE HOUSING (CONTROL OF OCCUPATION) (AMENDMENT OF
HOUSING REGISTER) (NO. 2) ORDINANCE, 2011**

The States are asked to decide:-

- I.- Whether they are of the opinion to approve the draft Ordinance entitled “The Housing (Control of Occupation) (Amendment of Housing Register) (No. 2) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

PRIAULX LIBRARY COUNCIL

NEW MEMBER

The States are asked to:-

- II.- To elect a Member of the Priaulx Library Council to fill the vacancy which will arise on 1st January, 2012 by reason of the expiration of the term of office of Deputy Roger Domaille, who is eligible for re-election.

[N.B Each year the States elect a Member of the Priaulx Library Council, who does not need to be a Member of the States, to serve for a two-year term.]

PUBLIC SERVICES DEPARTMENT

**BELLE GREVE PHASE V – PROPOSED NEW INLET WORKS AND
STORMWATER RETENTION FACILITY**

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

17th October 2011

Dear Sir

Executive Summary

- 1.1 The purpose of this report is to seek the States' approval of a capital vote of £11,030,000 for the construction of a new Preliminary Treatment Inlet Works and Storm Water Retention Facility.
- 1.2 It also seeks the States' approval to appoint Trant (Guernsey) Ltd to undertake the construction works.

Background

- 2.1 In October 2007, the Public Services Department presented to the States outline proposals for the refurbishment and upgrading of the Belle Greve facilities (Billet XXI) to be undertaken in five phases. The budget for the first phase (auxiliary pumping station and discharge pipework to main outfall and Red Lion outfall) was approved and the second phase (Outfall Survey) was approved by the Treasury and Resources Department under delegated powers. The third phase which was the upgrading of the main pumping station was approved by the States in September 2008 (Billet XV).
- 2.2 This States Report also described Phase V of the project which is the upgrading of the preliminary treatment unit and the provision of storm storage with estimated costs. In May 2009 (Billet IX), the States gave Priority 1 status to

phases IV and V of the Belle Greve upgrading works with estimates of £4 million and £8.5 million respectively.

- 2.3 This report now deals only with Phase V, the new inlet works and storm water retention facilities. Prior to the return of tenders it had been estimated that the project might cost significantly more than the previous estimate included in the capital prioritization debate. The Public Services Department had considered combining the funds for Phases IV & V in order to progress this vital element of the island infrastructure, but fortunately that will not now be necessary.
- 2.4 In January 2009, the Public Services Department was instructed by the States "... to report back to the States with comprehensive proposals for full sewage treatment, including proposals for its funding, by no later than January 2012." This report is currently being prepared. The inlet works and stormwater storage facility will be required as the preliminary stage of a future sewage treatment works, regardless of any States decision on the matter and any capital expenditure included in the 2013 Capital Prioritization submissions.

Business Case

- 3.1 The Belle Greve pumping station receives virtually all of the Island's foul water flow and discharges it to sea through a long sea outfall which terminates in the Little Russel about a mile offshore.
- 3.2 The Belle Greve pumping station and inlet works are 40 years old and a programme of renovation has been in progress since 2007.
- 3.3 The next phase of this work is to upgrade the inlet works which currently contains obsolete grit removal equipment and comminutors which are constantly breaking down. The comminutors currently macerate the floating solids with the result that the effluent which is discharged to sea contains plastic particles which are damaging to marine life. When the comminutors break down the solids are discharged to sea in recognisable form which is unacceptable. Spare parts for the existing plant are now impossible to obtain so repairs are lengthy and expensive.
- 3.4 The grit removal equipment and comminutors are currently in a state of disrepair or working sporadically at best, allowing grit and detritus to be discharged through the long sea outfall giving rise to the risk of blockage, damage to the pumps and an obvious detrimental effect on the environment. The treatment plant is open to the atmosphere so when there is an odour nuisance, it can affect

adjacent properties especially during the mornings when septic cesspit sewage is being discharged at emptying points around the foul water network.

- 3.5 During storms, the auxiliary pumping station assists the main station by pumping the surplus flow, which is not processed through the comminutors, to sea through the Red Lion short sea outfall, causing pollution of the foreshore. The Director of Environmental Health and Pollution Regulation (Environmental Regulator) is currently preparing legislation which will set standards of discharge which the current equipment at Belle Greve will be unable to meet.
- 3.6 The Belle Greve inlet works has been in service for 40 years and is now processing significantly greater flows than it was originally designed for, particularly with the diversion of flows previously discharged at Creux Mahie and in due course it will receive the Fort George discharge. At the time of its construction the comminutors and grit removal equipment was the accepted standard, however this equipment is no longer manufactured and spare parts can no longer be obtained.
- 3.7 This renovation project is therefore essential in order to rectify this unacceptable situation and must be carried out regardless of whether further sewage treatment is required in the future or not. The proposed preliminary treatment facilities will include a new inlet works comprising modern rotating screens and grit removal equipment housed in a building adjacent to the existing inlet works. The new facility will be able to serve any future sewage treatment system which the States may decide to implement. In addition a new underground storm storage tank will be constructed to the west of the existing works to retain 4000 cubic metres of storm flow.
- 3.8 The primary benefits of the proposed works are the removal of inert solids from the effluent discharged into the Little Russel even during storm condition, the resolution of the odour nuisance for the surrounding properties and a reduction in the risk of flooding.

Programme

- 4.1 The programme for the construction of the project is given in outline below:-

Scope of Works	Commencement	Completion
Contract Start	January 2012	-
Sewer Bypass	April 2012	May 2012
Construct Storm Tank	March 2012	May 2013

Construct Inlet Works	April 2012	May 2013
Construct Storm Station	September 2012	Dec 2012
Contract Completion	-	May 2013

Procurement

- 5.1 In January 2011, an advertisement was placed in the New Civil Engineer magazine and in the Guernsey Press for contractors wishing to be considered for inclusion on the select list for the project. Twelve responses were received following an assessment using the States Evaluation Procedure, this was reduced down to seven contractors for the shortlist which was approved by the Project Board and the Public Services Department Board.
- 5.2 Contract documents were issued on Monday 20th June with a return date of Friday 12th August. The Contract was based on the NEC3 Conditions of Contract which were recommended by the Consultant and subsequently approved by the Project Board.
- 5.3 The Conditions of Contract were adapted for the local situation and with the advice of St James' Chambers, NEC3 Option B: Priced Contract with Bill of Materials was selected in order to have a competitively priced basis for agreeing new rates for variations.
- 5.4 Tenders were submitted by the following contractors:-
 - Coffey Construction Ltd
 - Dean & Dyball Civil Engineering Ltd
 - Trant (Guernsey) Ltd
 - Lagan Construction Ltd
 - Geomarine Ltd
- 5.5 Tenderers submitted a commercial proposal (the cost submission) along with company information (the quality submission). These were scored by a Tender Assessment Panel in order to select the most favorable tender. The Project Board agreed a procurement strategy in which tenders were evaluated on the basis of 40% quality and 60% cost.

Tender Evaluation

- 5.6 40% of the total marks were available for the quality element of the bid. The submissions were considered under the following key criteria as set out in the tender documents:-

- 1) Programming
- 2) Proposed Method Statements
- 3) Environmental Management Plan
- 4) Site Waste Management Plan
- 5) Questionnaires on PR, H&S, Staff Experience etc.

- 5.7 All five Tenderers submitted high quality bids. These were scored by the Tender Evaluation Panel and were all within a relatively narrow band, which would be expected as the tenderers had been selected based on their previous relevant experience in this type of work.

- 5.8 The tenderers' prices as submitted were scored in accordance with procedure given in the tender documents. The tenders were ranked as follows on cost in ascending order (lowest price first):-

Tendered Bid
£8,517,806
£8,981,851
£9,364,097
£9,411,165
£9,448,692

- 5.9 Trant (Guernsey) Ltd's compliant tender in the sum of £8,517,806 was checked for arithmetic accuracy and realistic pricing of all items and was still substantially below the next lowest tender.

Tender Evaluation – Combined Scores

- 5.10 The quality / price scores for each tender were combined and the tenders ranked in preferred contractor order for consideration by the Project Board.
- 5.11 Following the tender analysis, the Project Board recommended that the Public Services Department Board accept the tender submitted by Trant (Guernsey) Ltd. This proposal was endorsed by the Board.

The Public Services Department undertook a detailed financial check on Trant Holdings Ltd (the parent company of Trant (Guernsey) Ltd) and this proved that this contractor is financially sound. The Parent Company Guarantee of Trant (Guernsey) Ltd by Trant Holdings Ltd was checked and approved by St James' Chambers.

Principles of Good Governance

- 6.1 The proposals contained within this report are closely aligned with the six principles of good governance as set out by the Public Accounts Committee and adopted by the States in March 2011 as follows:-

Core Principle 1- Good Governance means focusing on the organisation's purpose and on outcomes for citizens and service users.

This project includes the replacement of obsolete and broken down equipment in the inlet works and the provision of stormwater storage to improve the quality of the discharged effluent and reduce the incidents of unscreened storm discharge through the Red Lion short sea outfall. This project fulfils an element of the Public Service Department's purpose and the outcome will benefit the citizens and users of the facility.

Core Principle 2 – Good Governance means performing effectively in clearly defined functions and roles.

The project has progressed under the authority of the Chief Officer with the responsibility for achieving a successful outcome delegated to the Project Board in accordance with Prince2 principles. The contract will proceed to the construction phase under the control of the Project Manager assisted by the Supervisor and the Project Team. This includes quantity surveying and design support provided by consultants. Each member of the Project Board and Project Team has a clearly defined role which is on record.

Core Principle 3 – Good governance means promoting good values for the whole organization and demonstrating the values of good governance through behaviour.

The tender assessment was carried out by a Tender Panel comprising staff from the Treasury and Resources Department, Engineers from Guernsey WasteWater and Engineers from the Design Consultant. In this way expertise from across States Departments was used to achieve good value for the States as an organization.

Core Principle 4 – Good governance means taking informed, transparent decisions and managing risk.

The States of Guernsey has delegated to the Public Services Department the responsibility for the execution and delivery of the project. In turn the Public Services Department has set up the Project Board and Project Team to manage the project. All decisions are recorded in meeting minutes which are available for inspection thus achieving transparency. The project risks have been logged and are being managed to ensure that adequate resources are available to cover problems which may arise.

Core Principle 5 – Good Governance means developing the capacity and capability of the governing body to be effective.

The opportunity for corporate capacity development was taken by involving engineers from the Treasury and Resources Department in the Tender Assessment Panel. This process required the detailed examination of tenderers proposals for this relatively complex project and would have broadened the experience of those involved.

Core Principle 6 – Good Governance means engaging stakeholders and making accountability real.

Stakeholders including the Environment Department, the Environmental Regulator and the neighboring property owners have all attended meetings on site to be given an explanation of the project and to be kept up to date with progress. Accountability has been kept real by the Project Board being given a written mandate by the Public Services Department to be responsible for the successful delivery of the project.

Approvals

Capital Prioritization Gateways

- 7.1 In accordance with recommendations contained within Construction Codes of Practice, a Guernsey Gateway Review process has been undertaken on the project at critical stages to provide assurance that it continues to have merit and can progress through its stages.
- 7.2 The project was awarded “amber” status in the first two Gateway Reviews, which identified areas for improvement which were partially rectified prior to the next review. Whilst the final review is “red”, for a variety of reasons, subsequent and significant action has been taken in recent weeks to seek to

address the major reasons for the “fail” being awarded. Of most significance, the process of appointment of a specified professional Project Manager is under way. This will be a significant factor in addressing the matters requiring attention. There will be a further Gateway Review Panel assessment in early December, when it is anticipated that the project will be awarded “green” status. The results of that Gateway Review will be communicated to States Members ahead of the debate.

Planning Approvals

- 7.3 The land on which the project is located is in States ownership. Prior to the application for planning permission for the project, an agreement was reached between the property administration staff of the Environment Department and staff of the Public Services Department to exchange the administrative responsibility for the area of land to the north of the existing pumping station which was classed as an “Area of Natural and Scientific Interest” and administered by the Public Services Department with an area of equal size on the “green field” site to the North-West of the existing Belle Greve compound. This was administered by the Environment Department and was required for the storage tank. The Design Consultant was then able to proceed with the design of the underground tank.
- 7.4 In addition an Environmental Impact Assessment Screening Report was submitted to the Environment Department for approval on the 19th April 2011. Following consultations between the Environment Department planning staff and all relevant parties it was decided that a full Environmental Impact Assessment would not be needed as the works primarily involved upgrading the existing facilities.
- 7.5 A full planning application along with Building Control submission was made on 18th May 2011 and, at its planning meeting dated 9th August 2011 the Environment Department Board granted full permission to proceed with construction, subject to minor items to be revised or amalgamated into the construction documentation.

Budget

- 8.1 A preliminary cost estimate of £8.5 million was assessed for the project by Black & Veatch in 2006 and this was reported to the States in 2007 in the October Billet. In June 2009 (Billet D’Etat IX), the States gave Priority 1 status

to Phase V the Belle Greve upgrading works. As the detailed design was developed this indicated that rather than building the new works below ground level, with a gravity inlet flow, it was considered more efficient and operationally more practical to lift the flows using a set of inter-stage pumps, which added £1m to the overall cost of the project, but considerably reduced the maintenance operational risks for the future. If the original cost estimate is increased by an inflation rate of 3% per annum since the scheme initiation and the cost of the new pumping station added, then this produces a total project budget cost of £10.9m.

- 8.2 In November 2010 W S Atkins was appointed Consultant for the design and contract document preparation, which produced a detailed design for the scheme estimated at £14m which prompted a request to Treasury & Resources Department to combine previous estimates for Phases IV & V. Fortunately the actually prices obtained in competitive tender are substantially less which will now only require an additional £1m from the capital reserve to fund the works proposed, without the need to compromise the Phase IV works. The original submissions to the capital prioritization process did not have the benefit of the detailed design development which is now completed and offers a more practical and safer solution for the future.
- 8.3 In April 2011, a peer review was carried out by Dr James Wishart of MWH Consultants, the strategic Advisor for the project to establish that project scope remained appropriate and that the increased project estimate was realistic, such that the perceived benefits offered a value for money solution. His report concluded that the design and cost estimate was appropriate for the Belle Greve project.
- 8.4 The consultancy fees and administrative costs incurred in order to carry out site investigation, model testing and the design and contract document preparation have totaled £611,000.
- 8.5 The overall budgetary sum now requested for approval following competitive tendering of the works is £11,030,000. An itemised breakdown of the budgetary sum is provided in Appendix 1, which includes a contingency of £1,116,780.

Recommendations

The Public Services Department therefore recommends the States:-

1. To approve the Belle Greve Phase V Project, comprising the construction of the new Inlet Works and Stormwater Storage facilities as set out in this report;
2. To approve the acceptance of the tender from Trant (Guernsey) Ltd to undertake the main construction works associated with the project;
3. To authorise the Treasury and Resources Department to transfer the sum of £11,030,000 from the Capital Reserve to the capital allocation of the Public Services Department in respect of these works.

Yours faithfully

B M Flouquet
Minister

S Ogier, Deputy Minister
T Le Pelley
A Spruce
J Kuttelwascher

Appendix 1 - Belle Greve Phase V Total Project Costs

Estimated maximum costs for Belle Greve Phase V: Preliminary Treatment and Wastewater Retention Project

	Civil	M & E	Total
Preliminary Treatment			
Preliminaries			£1,100,220
Screen and Grit Handling Building	£1,232,905		£1,232,905
Storm Tank	£2,621,903	£8,586	£2,630,489
Process Pipework	£137,394	£368,207	£505,601
Pumping Station	£85,248	£84,914	£170,162
Cabling	£57,097		£57,097
Mechanical		£1,706,443	£1,706,443
Electrical		£656,668	£656,668
External Works	£458,222		£458,222
Belle Greve Phase V – Total Construction Costs			£8,517,806

Consultancy costs for Atkins Ltd.	£611,000
Additional Consultancy / Administrative costs *	£334,414
Project Risk	£1,116,780
Wash Water Pumping Station & Rising Main at Barkers Quarry	£350,000
Possible Service Diversions	£100,000
*See Table 1 for breakdown of costs	
Total	£2,512,194
Construction Costs	£8,517,806
Belle Greve Phase V Project Estimated Total	£11,030,000

Table 1 - Breakdown of Additional Consultancy / Administrative costs

MWH Design Audit	£8,000
GWV Staff travel costs (visits to Atkins, Model Viewing, FAT Tests etc)	£9,914
Project Quantity Surveyor	£66,500
Project Management and Document Control	£250,000
Total	£334,414

(NB Treasury and Resources Department has commented as follows:

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey
GY1 1FH

14th October 2011

Dear Chief Minister

Public Services Department – Belle Greve Phase V
Proposed New Inlet Works and Stormwater Retention Facility

The Treasury and Resources Department recognises the strategic importance of the new inlet works and stormwater retention facility proposed on the Belle Greve pump station site as outlined in the States Report.

This project has been subject to the Gateway Review process which provides assurance to all stakeholders that the project continues to have merit and that it can be justified on a "business needs" basis. The assessment of the project risks and competitive procurement processes used has produced a project which demonstrates a best value solution for the works proposed. The project has overcome initial budget issues and more recently project management changes, but subject to a satisfactory response to a review of evidence of the new Project Manager's performance the project is well placed to generate a successful outcome.

The Treasury and Resources Department has updated the capital prioritisation funding model to include the revised cost and proposed timing for the two projects (including this one) which require funding from the Capital Reserve and are contained in this Billet d'État. Despite the increase in funding required for the works required at Belle Greve as part of this capital programme, Phase V can be funded from the Capital Reserve and the cash flow projections do not anticipate a shortfall as a result of such expenditure. However, it should be borne in mind that there are still a number of the projects included in the capital programme at an early planning stage and final vote requests could be significantly different to the amounts previously estimated.

An update on the capital prioritisation funding model will be included in the 2012 Budget Report.

The Treasury and Resources Department supports this States Report.

Yours sincerely
C N K Parkinson
Minister)

(NB The Policy Council recommends that the States accepts the recommendations contained in this report as the project is essential to enable the island to continue to dispose of its wastewater without undue detriment to the foreshore and properties in the area. The Policy Council has noted that the project is essential to the island's infrastructure and that this programme of work is required as the preliminary stage of a future sewage treatment works, regardless of any decision on the matter.)

The States are asked to decide:-

III.- Whether, after consideration of the Report dated 17th October, 2011, of the Public Services Department, they are of the opinion:-

1. To approve the Belle Greve Phase V Project, comprising the construction of the new Inlet Works and Stormwater Storage facilities as set out in this report.
2. To approve the acceptance of the tender from Trant (Guernsey) Ltd to undertake the main construction works associated with the project.
3. To authorise the Treasury and Resources Department to transfer the sum of £11,030,000 from the Capital Reserve to the capital allocation of the Public Services Department in respect of these works.

TREASURY AND RESOURCES DEPARTMENT

MONT VAROUF SCHOOL (FORMERLY ST SAVIOUR'S SCHOOL)

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

28th September 2011

Dear Sir

1. **Executive Summary**

- 1.1 The future use of Mont Varouf School (formerly St Saviour's School), which is currently empty, has been under consideration for some time. At a meeting of the ratepayers and electors of St Saviour's Parish held on 22 September 2010, it was agreed that the land and buildings should be developed as a community centre rather than disposed of for private development.
- 1.2 The Treasury and Resources Department believes that the decision of the ratepayers and electors of the Parish ought to be supported, provided that the States' interests in the site are adequately protected.
- 1.3 The precise ownership of part of the site, as between the Constables of Saint Saviour's Parish and the States of Guernsey, is not entirely clear and the parcels of land comprising the site are subject to certain covenants and obligations which restrict the land and buildings to use for educational purposes only.
- 1.4 In the circumstances (and by agreement with the Constables and Douzaine of the Parish) the Department recommends that legal title to the site is vested, in agreed shares, in the Constables of St Saviour's Parish and the States of Guernsey by way of a Projet de Loi. The Department recommends that the Projet also contains provisions releasing the land from all trusts, covenants and obligations to use the land for any specified purpose such as use as a school or for educational purposes.
- 1.5 When the Projet comes into force, the Department then proposes that the States' interests in the site are conveyed to the Constables of the Parish subject to certain conditions designed to protect the States' fiscal interests if the site or any part of the site is disposed of commercially (e.g. through sale, lease or similar transaction) within a 25 year period.

2. **Background**

- 2.1 A school has been on the Mont Varouf site since the first half of the 18th century, although it has been altered and extended over the years. In the 19th century the buildings and land were ceded to the Parish on condition that the premises continued to be used as a school, and subsequent additions to the land holdings were also undertaken on the express or implied understanding that the premises were to be used for educational purposes.
- 2.2 St Saviour's Parish School became Mont Varouf School in the 1970s, and Mont Varouf remained in use for educational purposes until 2005, when the majority of pupils and staff were relocated to the newly constructed Le Rondin School and Centre, with some pupils moving to the former Oakvale School (now The Link Centre). Mont Varouf was then surplus to the Education Department's requirements and the site's management was transferred in 2007 to the Treasury and Resources Department, to administer on an interim basis, until such time as its future could be agreed in consultation with the St Saviour's Douzaine.
- 2.3 If the relevant parts of Mont Varouf land and buildings are transferred to the Parish (as described in paragraphs 3.3-3.5), it will relieve the States from an ongoing responsibility of administration and the costs associated with essential maintenance that has had to be carried out since the Education Department last used the site. The proposed transfer complies with the strategy for the long-term management of the States' overall property resources.¹
- 2.4 In October 2007, a committee of St Saviour's parishioners was formed to investigate the potential use of Mont Varouf as a community centre for the people of St Saviour's. Following consultation with parishioners and parish officials, an outline proposal for use of the land and buildings as a community centre was publicised by the committee and a meeting of electors and ratepayers was convened on 22 September 2010 to consider a motion authorising the Constables and Douzaine to use all reasonable endeavours to develop Mont Varouf as a community centre and rescinding an earlier decision to dispose of the Parish's interests in the property. The motion was carried by an overwhelming majority (196 pour and 8 contre) of parish electors who attended the meeting. A copy of the outline proposal is attached to this Report (Appendix 1).
- 2.5 Following the decision of 22 September 2010, the Department has entered into discussions on proposals for the School site with parish officials, the Law Officers and others with interests in the Parish's proposals for development of the site. On 15 March 2011, the St Saviour's Community Trust was formed with the object of developing and implementing a fundraising strategy for the phased

¹ Resolutions of the States in regard to the following Reports are relevant to the management of States' property:
Treasury and Resources Department – "States' Land and Property – Management and Administration" (Billet d'État V, 2006; Resolutions made on 22 February 2006)
Treasury and Resources Department – "Corporate Property Plan" (Billet d'État XXIV, 2009; Resolutions made on 27 October 2009)

development of the School into the St Saviour's Community Centre. A company limited by guarantee, called 'St Saviour's Community Centre LBG', has also been formed to oversee any development and subsequently to manage and operate the community centre. It should be noted that the Trust has secured an 'anchor tenant' for part of the building.

3. **Proposals for Future Ownership of Mont Varouf Site**

3.1 The attached plan (Appendix 2) is provided for purposes of identification. A summary of the relevant conveyances of the Mont Varouf site is as follows:

- The original school site was conveyed to the Parish in 1861 by the heirs of the persons who established the original school in 1736 (this is the area marked A on the attached plan).
- In 1865 the Parish acquired a further one perch of land (this is the area marked B on the plan).
- Twelve perches were acquired in 1902 by the Supervisor acting as trustee for the parish school, with half the money being contributed by the school and half by the Royal Court (this is the area marked C on the plan).
- A field was acquired jointly in 1907 by the States and the Parish (this is the area marked D on the plan).

3.2 The States of Guernsey acting by and through the Treasury and Resources Department are therefore co-owners of part of the property together with the Parish. The Royal Court has an interest through its provision of funding for the 1902 acquisition, but its interest has been ceded informally to the States of Guernsey.

3.3 During the course of investigation into the legal title to the land comprising the site, it has become apparent that there are two issues in particular that will need to be addressed if the site is to be developed successfully as proposed by the Parish. Firstly, there is some uncertainty as to the precise extent of the ownership of part of the site as between the Parish and the States. Secondly, the land is subject to obligations and covenants that restrict its use to use as a school or for educational purposes.

3.4 Following discussions involving the Parish's legal advisers and the Law Officers, the Department believes that the most effective method of resolving any ownership issues, and releasing the land from the obligations and covenants referred to above, is for the States to approve an appropriately worded Projet de Loi. The Projet would vest the legal title to the site, in agreed shares, in the Constables of St Saviour's Parish and the States of Guernsey. It would also release the site from all trusts, covenants and obligations to use the land for any

specified purpose, such as use as a school or for educational purposes ².

- 3.5 The Treasury and Resources Department proposes that following the coming into force of the Projet and subject to the precise terms of the Conveyance being agreed with the Parish, the States will convey their interest in the property in favour of the Constables for the time being of St Saviour's Parish in order that the Parish can progress its plans for a community centre.
- 3.6 It is proposed that the States interests will be conveyed into the sole ownership of the Parish for a nominal sum of £1.00. This Conveyance will be subject to certain conditions that should the land or property, or any part of the land or property, be disposed of commercially (through sale, lease or similar transaction) to a third party within a period of 25 years from the date of the Conveyance, the States of Guernsey would have the option to receive 50% of the net proceeds by way of a fair and reasonable share of any realised development value of the land or property in question. If the land and premises are disposed of at any time after the period of 25 years any right to receive a share of the proceeds will no longer apply. It is also proposed that the 50:50 split of the proceeds will be calculated only after a deduction has been made in respect of capital investment in the property in respect of its conversion into a community centre. The capital spend, as certified by an architect/surveyor at practical completion of the conversion works, will make no allowances for furniture, fittings and equipment *etc.* that do not form part of the structure of the property. Both parties will agree, in advance of works commencing, the architect/surveyor who is to be appointed to this task.
- 3.7 With regard to the insurance and maintenance of the property during the 25 year period, the Douzaine has confirmed that the necessary clauses have been incorporated in a draft lease between the Constables and the St Saviour's Community Centre LBG, the terms of which have been agreed by both parties. Tenant covenants are in place as regards such matters as repairs, decorations and insurance.

4. **Principles of Good Governance**

- 4.1 In preparing this Report, the Department has been mindful of the States Resolution to adopt the six core principles of good governance as defined by the UK Independent Commission on Good Governance in Public Services (Billet d'État IV of 2011). The Department believes that the proposals in this Report comply with those principles.

5. **Resources**

- 5.1 There is no requirement for the States to approve any expenditure or appoint any

² However, the use of the property as a community centre would be referenced in the conveyance referred to in paragraph 3.6 of this Report and the condition(s) therein would include reference to the disposal of the land or buildings or any interest in the land or buildings other than for use as a community centre.

contractors. The States would be relieved of costs associated with administration and maintenance of the site. There is no loss of revenue related to the transfer of those parts of the site that are owned by the States as the property has been subject to restrictive covenants. The decision of the Parish to use the property as a community centre means that there are no current commercial opportunities to sell the parts of the property owned by the States. The financial interests of the States in the site will be protected by the condition(s) in the conveyance relating to disposal of the land or property within a 25 year period.

6. **Recommendations**

6.1 The Treasury and Resources Department recommends the States:

1. To direct the preparation of such legislation as may be necessary to vest legal title, in the land and building comprising Mont Varouf School, in the Constables for the time being of the Parish of Saint Saviour and the States of Guernsey in such shares and upon such terms as are agreed between the Department and the Constables and Douzaine of the Parish, including terms which will release the land from any obligations or covenants as to its use;
2. To approve the conveyance of all the property interests of the States of Guernsey in respect of the Mont Varouf site to St Saviour's Parish for the nominal sum of £1.00, subject to approval of the final form of any conveyance being agreed by the Law Officers of the Crown and the Department; and
3. To agree that the conveyance of those interests to the Parish will be subject to provisions, consistent with the proposals set out in this Report, designed to preserve for the States of Guernsey the option to a 50% share in the net proceeds of any commercial disposal of those interests, after a deduction has been made in respect of any capital investment made by or on behalf of the Parish to carry out the conversion as described in this Report, in the event that the premises are disposed of within the period of 25 years from the date of the Conveyance.

Yours faithfully

Deputy C N K Parkinson
Minister

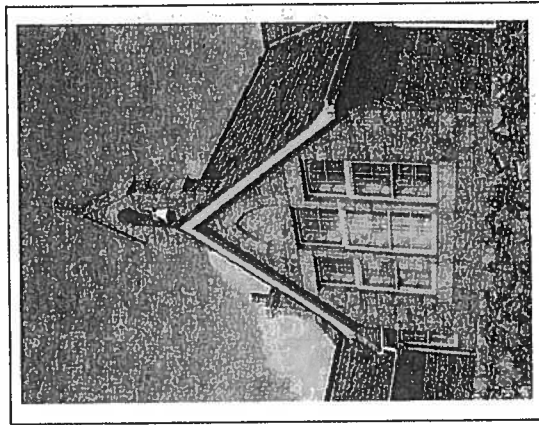
Deputy J Honeybill, Deputy Minister
Deputy R Domaille
Deputy A Langlois
Deputy S Langlois

Appendix 1

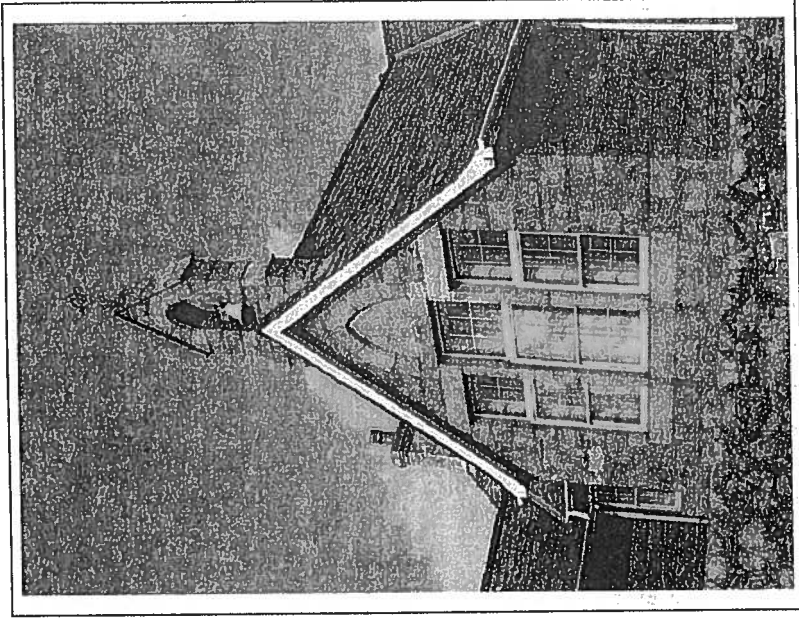
An outline proposal for use of the land and buildings as a community centre
for the people of St Saviour's

(as supplied by St Saviour's Douzaine)

**NOTHING TO
LOSE.....**



**.....EVERYTHING TO
GAIN.**



ST SAVIOUR'S COMMUNITY CENTRE

AN OUTLINE PROPOSAL

The story so far

A group was formed in October 2007 to investigate the potential use of Mont Varouf as a community centre for the people of St Saviour's. In response to a parish-wide circular sent out by the committee, over 350 parishioners registered their written support.

At the parish meeting in April 2008 the Douzaine outlined two alternative plans, which they intended to submit for provisional planning permission, to convert the school to 5 or to 3 houses. In November 2008 both plans were rejected by the Environment Department who declared themselves unconvinced that the buildings and the whole site were not required for community use.

In April 2009 the Douzaine organised two open mornings at the Mont Varouf for all parishioners to view this asset for themselves. Both sessions were very well attended, indicating a high level of interest within the parish. The Committee received a number of enquiries from individuals and groups who are currently unable to find suitable venues to hire. This indicates that the community centre would be well-utilised and therefore self-funding.

Following the open mornings, the Committee commissioned draft architectural plans, outlining the possible adaptation of the building for community use. A business plan was also drawn up covering the financial aspects of developing and running Mont Varouf as a community centre.

The Objectives of the Community Centre Project

- To renovate and refurbish the existing Mont Varouf School as a community centre.
- To provide a venue for a variety of activities that would help foster a community spirit within St Saviour's.
- To achieve the above **without any financial burden upon parishioners' rates**

How might these objectives be achieved?

- A company limited by guarantee would be set up called The St Saviour's Community Centre LBG and registered as a charity.
- The Company would have a Board of Trustees to oversee the management of the Centre.
- The Company would lease the building and site from the Douzaine for a modest rent for an agreed term.
- The Parish, through the Douzaine, would retain the legal powers of a landlord, with the security of the ultimate ownership of the site but without any liability for the running costs or for any debts incurred.
- The cost of the refurbishment would not be charged to the rates but would be raised independently by corporate sponsorship, application to charitable funds and an active campaign of fund-raising.

Outline Business Plan

- A business plan has been prepared for the Douzaine with estimated revenue from rentals and running costs.
- Rentals have been calculated in line with current charges at similar Island venues.
- Five rooms will be available for hire on a regular or an occasional basis.
- An anchor tenant has been secured who will lease a reserved area (coloured pink on the layout overleaf) throughout the year.
- Revenue from the hire of the other rooms has been calculated at a 20% occupancy rate in the first year.
- Additional revenue can be raised by offering Business Continuity facilities to commercial companies.
- Costs have been calculated to include insurance, cleaning and all the usual services.
- After the first year money will be set aside towards building up a development fund for major maintenance expenditure and future improvements.

Phase 2 Developments

The swimming pool and the adjacent area have been designated for the second phase of development when the community centre is established and is contributing an income to the development fund.

Renovation and Refurbishment

A refurbishment budget of £650,000 has been established to bring the building up to a good standard for use as a community centre.

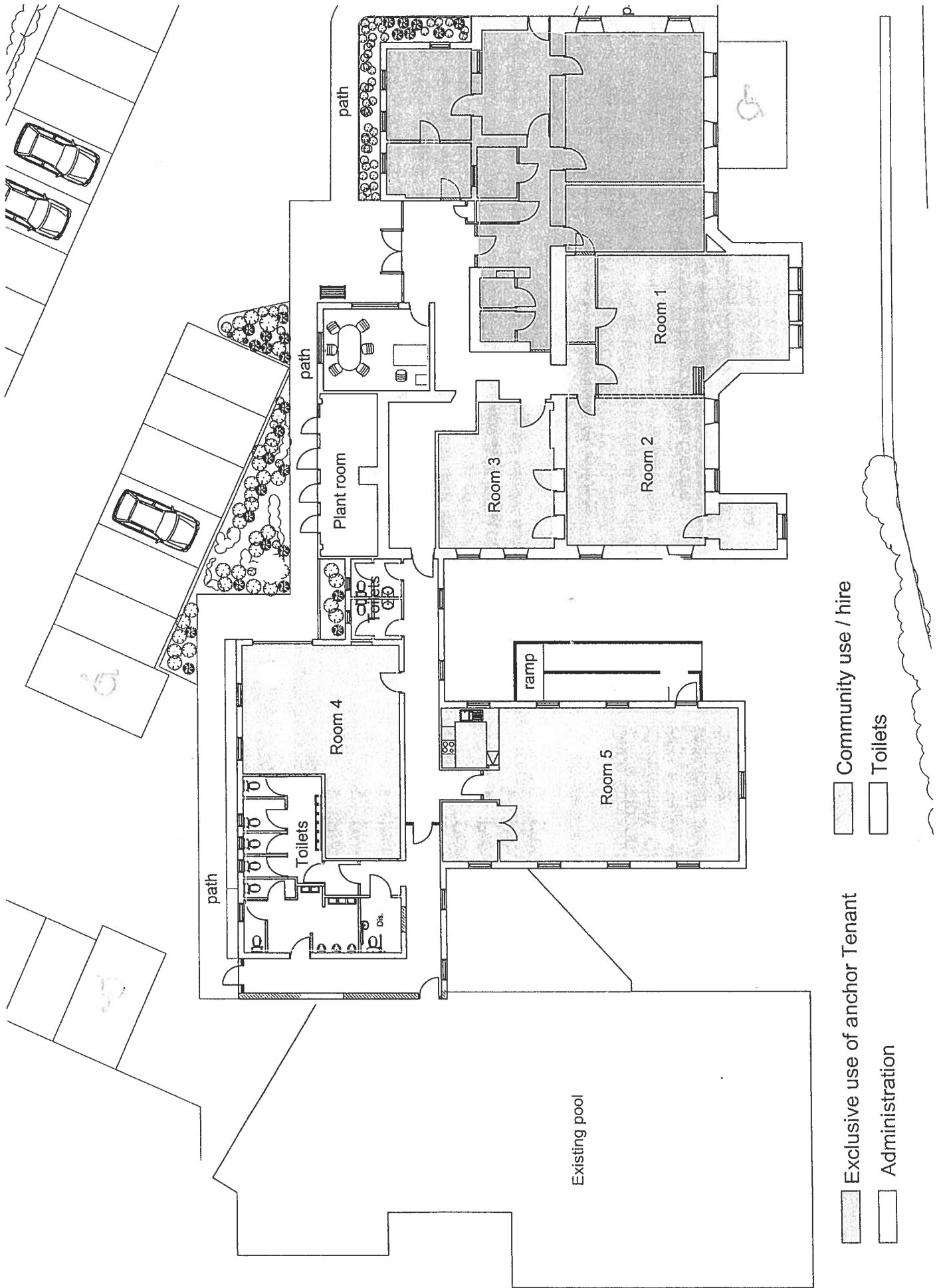
The proposed works comprise:

- Removal of recent interior partitions
- Sliding door between Rooms 1 and 2
- Provision of a kitchen
- Provision of new toilets
- Installation of new heating system
- Upgrading of lighting and power installations
- Refurbishment of roof and windows
- Decoration of walls and woodwork throughout
- Provision of new tar macadam parking areas
- Provision of paths and improvement of the grounds

Fundraising

Once support from the parish has been secured and the Community Centre has been registered as a charity, we plan to raise the money by seeking corporate and individual sponsorship and by general fundraising activities.

We shall not be asking for any direct contribution from the rates.



The potential users of the Centre

Full time use throughout the year

One anchor tenant has already expressed a keen interest in renting an area of the Centre on an annual basis.

Regular users

Interest has been expressed from local groups wanting to hire meeting rooms for use once a week or fortnight. These groups cover a wide age range and many interests. Evening classes and day time leisure interest groups can both be accommodated. The availability of on-site parking makes the Centre particularly attractive for support groups catering for people with a disability.

Business Continuity

The Centre can offer business continuity facilities to local commercial companies.

Occasional users

Rooms will be available for hire to individuals for private parties and receptions.

Parish Use

If, in the future, the rectory were to be sold, the Centre would become the only hall in the parish large enough to hold parish meetings. The Revel could continue to be enjoyed as a parish event on the Community Centre field.

Frequently asked questions

Is there a need for a community centre in St Saviour's?

Yes. Our research has shown that St Saviour's is very poorly served at present.

Is there any financial risk to the ratepayers?

Although extremely unlikely, if in the future the community centre became unviable, the building and site could revert to the Parish, free of liabilities, for Parishioners to sell or retain as they think fit at that time. There would be no financial risk to the ratepayer. Therefore, there is **nothing to lose and everything to gain**.

If the site were to be sold, could the capital sum be used to reduce our Parish rates?

No. The capital sum could not be used for this purpose as it would be illegal for the Douzaine to do so.

What is the tax position about giving donations to the community centre project?

In January 2010 Gift Aid was introduced in Guernsey. Under this scheme anyone who pays Guernsey income tax and makes a donation of between £500 and £5000 per year to a Guernsey registered charity is deemed to have made the donation net of tax. The tax paid on that sum can be reclaimed by the charity from the Income Tax Department. St Saviour's Community Centre has applied for registration as a Guernsey charity and when registered will be able to benefit from this scheme.

The Community Centre Campaign Committee

Chairman: Dick Bush

Secretary: Jayne Cataroche

Treasurer: Rodney Reed

Other committee members:

John Chesney

Margaret Macdonald

Roger Perrot

Don Smith

Thanks

The committee has received help from a great many people. This assistance has ranged from expert specialist advice to the more mundane tasks of stuffing envelopes and delivering leaflets. We are very grateful to everyone who has helped us.

In particular we should like to thank Deputy Al Brouard for his interest in this project and his valuable guidance and support and Martin Gibbons who served as chairman of the group from the outset in October 2007 until October 2009, shortly before he left the Island.

What happens next?

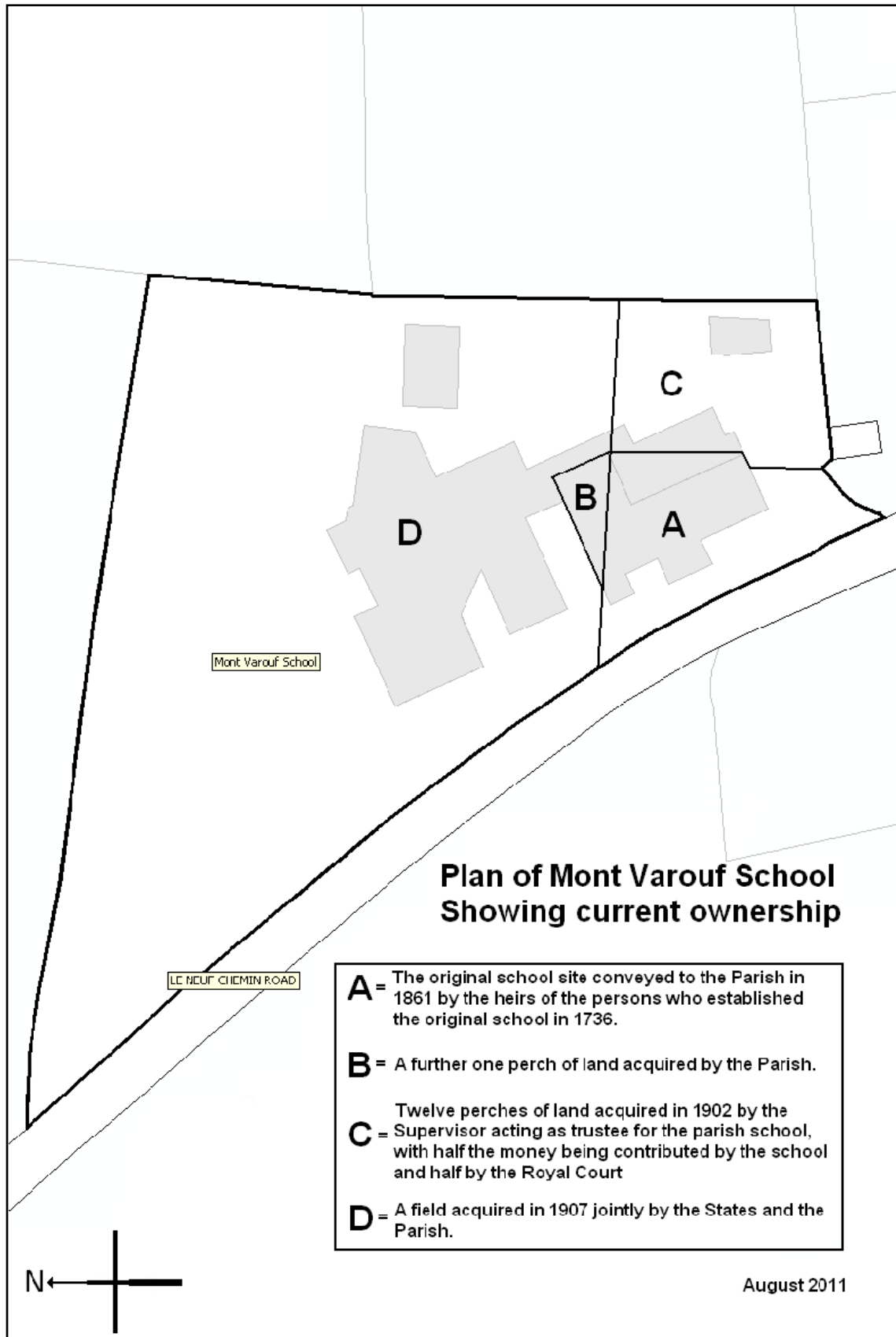
At present the vote to sell the school site that was taken at the parish meeting in September 2007 still stands.

A parish meeting will be held on **22nd September 2010** at **La Houquette School** at **7.00pm** to give all electors and ratepayers the opportunity to make a final decision about whether to sell or retain the former school. The motion to be put before the meeting will be:-

- **The resolution passed on September 24th 2007 relating to the disposal of Mont Varouf School by way of sale be rescinded; and**
- **The Constables and Douzaine be authorised to use all reasonable endeavours to develop Mont Varouf School as a community centre, and to do all such acts as may be relevant thereto, including, if necessary, entering into a lease to allow the operation and/or management of such a community centre.**

What can you do to support the Community Centre Project?

- **Make every effort to attend the parish meeting on 22nd September and vote for the project.**
- **Get involved and help to make your community centre a reality by joining the **Friends of St Saviour's Community Centre**.**

Appendix 2

Appendix 3

Proposed legislation relating to Mont Varouf school site

This Appendix:

1. contains information justifying the need for legislation;
2. confirms how funding will be provided to carry out functions required by the new legislation;
3. explains the risks and benefits associated with enacting/ not enacting the legislation;
4. provides an estimated drafting time required to draw up the legislation.

1. The need for legislation

The legislation is required (a) to clarify and regularise the ownership of the various land parcels comprising the site and (b) to remove any obligations and covenants restricting use of the site to educational purposes.

2. Funding

There will be no funding requirement on the part of the States in regard to the new legislation.

3. Risk and benefits

If the legislation to implement the proposals is not enacted, the ownership of the site will remain unclear and the site will be restricted to use for educational purposes. If the legislation is introduced in conjunction with the other proposals contained in the Report, the States would be relieved of costs associated with administration and maintenance of the site.

4. Drafting time

The legislation has already been drafted in order to reach agreement with the Parish as to the future of the site.

(NB The Policy Council supports the development of a St Saviour's Community Centre, on the former Mont Varouf School site.)

The States are asked to decide:-

IV.- Whether, after consideration of the Report dated 28th October, 2011, of the Treasury and Resources Department, they are of the opinion:-

1. To direct the preparation of such legislation as may be necessary to vest legal title, in the land and building comprising Mont Varouf School, in the Constables for the time being of the Parish of Saint Saviour and the States of Guernsey in such shares and upon such terms as are agreed between the Department and the Constables and Douzaine of the Parish, including terms which will release the land from any obligations or covenants as to its use.
2. To approve the conveyance of all the property interests of the States of Guernsey in respect of the Mont Varouf site to St Saviour's Parish for the nominal sum of £1.00, subject to approval of the final form of any conveyance being agreed by the Law Officers of the Crown and the Department.
3. To agree that the conveyance of those interests to the Parish will be subject to provisions, consistent with the proposals set out in this Report, designed to preserve for the States of Guernsey the option to a 50% share in the net proceeds of any commercial disposal of those interests, after a deduction has been made in respect of any capital investment made by or on behalf of the Parish to carry out the conversion as described in this Report, in the event that the premises are disposed of within the period of 25 years from the date of the Conveyance.

PUBLIC SERVICES DEPARTMENT**GUERNSEY AIRPORT RADAR REPLACEMENT**

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

20th September 2011

Dear Sir

1. Executive Summary

- 1.1. Guernsey Airport has a requirement to replace its Primary Surveillance Radar (PSR) as it is approaching the end of its operational life.
- 1.2. The key objective of the Guernsey Airport Radar Replacement project is to ensure the safe and expeditious flow of air traffic to and from Guernsey and Alderney Airports.
- 1.3. The preferred option is to install a Primary Surveillance Radar with a Mode S Secondary Radar (MSSR) system so that Guernsey Airport will have independent secondary radar capability without the need to buy in the data from Jersey Airport or another radar source.
- 1.4. The aim of the project is to provide the airport with a replacement Primary Radar with a co-mounted Secondary Radar which shall:
 - meet all current UK and European Air Traffic Control requirements
 - be compliant with proposed changes in the use of adjacent frequency bands
 - have demonstrable ability to mitigate the effects of wind farm installations
- 1.5. The new Primary Radar will provide Guernsey Airport with a completely autonomous approach radar capability for the next 20 years, but at the same time if procured with Secondary Radar, it will enable the Airport to exchange radar data on equal terms with Jersey and with no fee incurred.
- 1.6. This service development proposal has been prioritised in the States Strategic Plan (SSP) and has been subject to approval as part of the Capital Prioritisation Debate in 2009. This particular project was assessed Priority 1.
- 1.7. The recommended supplier for approval is Thales ATM, which scored highest in both the quality and cost elements of the tender evaluation process.

1.8. The total project cost including contingencies is £3.25 million. The procurement will be funded by a transfer from the Capital Reserve to the Ports Holding Account.

1.9. The timescale for delivery is nominally 12 months from order placement.

2. The Strategic and Corporate Governance Context

2.1 The project activities described in this report deliver against a number of States Objectives as outlined in the 2010 States Strategic Plan. This project will secure a fundamental element of air navigation service provision for the Bailiwick of Guernsey for the foreseeable future and will deliver against the States Objective to Maintain and Enhance Guernsey's standing in the global community.

2.2 As a major contributor to the local economy (valued at over £30 million per annum) this investment and Guernsey Airport more generally continues to play a key part in the Fiscal and Economic Objective to achieve average economic growth of 2% or more per annum, as well as fulfilling the objective for public investment in the Island's key infrastructure. The ability to travel is an important contributor to the Island's social wellbeing, represented in the aspirations of the Social Policy Objectives.

2.3 In respect of Corporate Governance objectives, the Department considers this project fulfils at least three of the six core principles. Firstly the project focuses on the Airport's primary purpose and protects the continued service delivery of radar data (itself promoting safe and expeditious movement of aircraft) for passengers and service users; this accords with Core Principle 1 – 'Focus on the Organisation's purpose and on outcomes for citizens and service users'. Secondly the procurement processes outlined in this report demonstrates good value for the whole organisation in accordance with Core Principle 3 and thirdly, the engagement of stakeholders is evidenced in this report in accordance with Core Principle 6.

3. Background

3.1. Billet IX - May 2009 – Capital Prioritisation (2009-2013)

3.1.1. The Airport Radar project was approved by the States of Deliberation in 2009 as a Priority 1 project, at an original estimated cost of £2.4 million, to be funded from the States Capital Reserve. At that time the project was anticipated to start in 2010 and be completed by 2012.

3.1.2. Recommendation 2 of Billet IX, May 2009 was that each project included within the capital programme would be the subject of a separate States Report before the project could commence unless the Treasury and Resources Department had delegated authority to approve a capital vote.

- 3.1.3. In the Treasury and Resources Department's second Capital Prioritisation Report in September 2009 the estimated cost of the Project was increased to £3.5 million to allow for the possible inclusion of a secondary radar.

4. Radar Control Service

- 4.1. The Air Traffic Control (ATC) facility at Guernsey Airport provides a radar control service to aircraft operating within the airport's designated area of responsibility (including aircraft operating into and out of Alderney Airport). The radar service is currently provided using a local, on-airfield, primary surveillance radar (PSR). The radar is located at the north side of the airfield and comprises a tower, a rotating antenna, and an equipment cabin which houses the radar transmitter, receivers, signal and data processors and data distribution units.
- 4.2. Radar data is sent from the radar cabin to the ATC building, via a fibre optic link, where it is processed for display in both approach and tower facilities. The data is also sent via leased lines to Jersey ATC and a similar feed is received from Jersey. This facilitates the use of Jersey's radar as a back-up for Guernsey and vice versa.
- 4.3. It is worthy of note that, although the Jersey Primary Radar has greater instrumented range than the Guernsey Primary Radar (80 nautical miles rather than 60 nautical miles), due to its location the Guernsey Primary Radar affords significantly better coverage to the North in the areas of interest to both Guernsey and Jersey ATC.
- 4.4. Correspondingly, due to its location, the Jersey Primary Radar suffers more from the limitations imposed by its operating environment as it has more visibility of the sea surface and therefore produces more "clutter" (unwanted echoes) meaning that its short range coverage is sometimes compromised whereas Guernsey's Primary Radar coverage is solid.
- 4.5. The principal role of the radar service is to enable ATC to maintain a safe separation distance between aircraft although it also provides some navigational assistance to aircraft. The minimum permissible separation distance between aircraft is 3 nautical miles. In the event of a total loss of radar service, the minimum separation distance would be increased to 10 nautical miles, thus greatly reducing the rate of arrivals and departures. Due to the need to procedurally separate inbound and outbound aircraft, departures would also have to be severely restricted.
- 4.6. To ensure the availability of Guernsey's radar service in the event that the local Primary Radar is unavailable, data is received from Jersey's Primary Radar under a service level agreement. A reciprocal agreement covers the provision of this same data to Jersey from Guernsey. There have been a number of times when one or other of the units has been temporarily removed from service for maintenance, failure, or repair, and in such circumstances both islands have benefitted from the agreement.

5. Business Case

- 5.1. The principle business need is defined by the following operational safety requirements for radar service provision as defined in Civil Aviation Authority (CAA) Air Traffic Services Safety Requirements - CAP670:
 - “to ensure the efficient handling of increasing traffic volumes in a safe, orderly and expeditious manner”
 - “to provide a complete, accurate and uncorrupted source of radar data”
- 5.2. Furthermore, in providing such a service the coverage requirements and separation standards as defined in Eurocontrol document “Radar Surveillance in En-Route Airspace and Major Terminal Areas” must be met.
- 5.3. The existing Primary Radar (a Watchman S system) was installed in March 1997 with an expected operational life of 15 years.
- 5.4. A total of six Watchman S systems were built and only two were installed and put into operation, one in Guernsey, and one in Jersey.
- 5.5. Whilst the existing Primary Radar is well maintained and has proven highly reliable, the stock of spares is gradually diminishing and at some point we will pass the point where it will be considered safe to continue to maintain the current system in operation. The lack of other commissioned Watchman S systems also makes its lifespan less easy to safely predict, hence the decision to now replace it.

6. Compatibility

- 6.1. There are two significant threats to the operation of existing radar systems in the UK and indeed throughout the world.
- 6.2. The first is OFCOM’s 2.6GHz frequency band auction.
- 6.3. This band is adjacent to the ATC radar frequency band and its intended use for new mobile technology is a serious interference threat to the existing installations of radar systems in use.
- 6.4. The main radar suppliers are working closely with OFCOM and the CAA to find solutions to this problem for existing and future radar systems, however the radar suppliers and operating authorities will inevitably foot much of the bill for modifications to existing (and redesign of new) radars.
- 6.5. Also there will be no ‘one-stop’ technical solution for all radar types. Although the principle will be the same, each manufacturer will have to develop its own modification and the cost of development and implementation will be amortised over the number of systems of each type in service. For the main radar suppliers (Raytheon, Selex and Thales) this runs into many tens of operational systems throughout the UK and Europe.

- 6.6. The Guernsey and Jersey radars are unique and unsupported. The original equipment manufacturers no longer exist and therefore it is likely the capital cost of commissioning a third party to develop and implement a suitable fix will be prohibitive given the limited remaining service life of these two systems. Given that Guernsey's radar signal reaches into the French mainland the demand for this upgrade that would enable access to this 2.6GHz frequency band will not necessarily be limited to the requirements of locally based mobile phone operators.
- 6.7. The second threat is the proliferation of Windfarms.
- 6.8. Wind turbines are a serious threat to a radar system as their rotating blades produce false targets due to their rapid movement and size.
- 6.9. Guernsey Airport is aware of interest in France to install an offshore windfarm of up to 300 turbines just north of Flamanville. The current Primary Radar unit does not have the sophisticated processing necessary to combat the false targets that would be created by such an array of wind turbines. The suppliers of the latest generation of Primary Radar have developed sophisticated signal processing algorithms to remove these unwanted targets whilst still enabling even the smallest aircraft to be detected and tracked in their vicinity.

7. Joint Working with Jersey

- 7.1. Jersey Airport is currently replacing its Primary Radar, which is of the same age, make and type as Guernsey's Primary Radar. Options for a joint Radar replacement with Jersey Airport were explored, not least as both Airports currently utilise the same radar models and there may have been some operational and cost benefits (continuity of spares, bulk purchasing opportunities, training, etc.) associated with a joint procurement process, however due to different procurement procedures and more demanding timeframes associated with the Jersey Radar replacement programme, it was not possible to follow this route. Jersey Airport has signed a contract with Selex to supply a Primary and Secondary Radar unit and this will be commissioned in late 2011.
- 7.2. Although a joint procurement was not possible, Guernsey and Jersey Airports continue to work together closely on both islands' radar replacement projects. The tender specification was written jointly by Project Managers from both islands, and both have a reciprocal seat on the Guernsey and Jersey Radar Project Boards. Project Managers from both islands have also been involved in the tender evaluation process for each project.
- 7.3. No significant cost sharing savings have been identified in the tender evaluation process if Guernsey were to purchase its radar unit from the same supplier as Jersey Airport (Selex).

8. Secondary Radar (MSSR)

- 8.1. In addition to its Primary Radar replacement Jersey is obliged under European regulations to replace at least one of its two Monopulse Secondary Surveillance Radars (MSSR) with a unit that utilises a new data format (Mode S). This new data format is scheduled to become the new data standard toward the end of this year and this deadline has driven the radar procurement project in Jersey. Given that one of Jersey's Secondary Radar units is physically fixed to its Primary Radar and that unit is also due for replacement, they are being replaced concurrently.
- 8.2. In recognition of the change to the secondary radar data format at Jersey Airport and by default at Guernsey Airport (as a recipient of a feed of secondary data from Jersey), the Treasury and Resources Department has recently approved a small element of project pre-funding for the Guernsey Airport Radar replacement. This pre-funding covered a necessary upgrade to Guernsey Airport's existing Flight Data Handling system, such that it could accept the new secondary radar data format once Jersey Airport commissions its system toward the end of the year. The cost of this software and hardware upgrade is £110k and was approved by the Treasury and Resources Department in May 2011. Provision for this element of enabling works is included within the overall project budget and will be required irrespective of the outcome of the decision of the States in respect of the Guernsey Airport Radar replacement.
- 8.3. The preferred option at Guernsey Airport is to install a similarly co-mounted Primary and Secondary Radar system which will provide Guernsey with a direct 'secondary radar' data feed, which is currently provided via a dedicated leased line from Jersey Airport under a Service Level Agreement (SLA). This SLA costs Guernsey Airport £57K per year at current rates.
- 8.4. If Guernsey Airport did not acquire its own Secondary Radar capability, Jersey would then be forced to replace both of its Secondary Radar units for the purposes of resilience. Jersey has indicated that in this case it would need to increase the price of the SLA to Guernsey to c. £165K per year.
- 8.5. If Guernsey Airport were to acquire its own Secondary Radar unit the need to buy in data from Jersey Airport or any other radar source would be negated affording a cost saving in the longer term. Also having a mutually shared Secondary Radar solution provides improved resilience for both islands as well as satisfying the mandatory requirement for two independent Secondary Radar sources.
- 8.6. The new Primary Radar unit will provide Guernsey Airport with a completely autonomous Area Radar capability for the next 20 years. If procured with a Secondary Radar capability Guernsey will be able to exchange all radar data on equal terms with Jersey and at no cost.

- 8.7. The timescales for delivery indicated by the chosen supplier are 12 months from order placement.
- 8.8. The inclusion of a Secondary Radar unit increases the total cost of the project by approximately £450,000. The recommended supplier, Thales ATM has provided a tender at a cost of £2.61 million (£2.80 million including contingencies) for a Primary Radar only procurement, rising to £3.01 million (£3.25 million including contingencies) if a Secondary Radar unit is included.
- 8.9. It should be noted that due to the increased costs applied to our existing SLA for Secondary Radar data from Jersey the cumulative project costs for the Primary only option will exceed that of the joint Primary and Secondary option after only 3 years of operation.

9. Visual Impact and Location

- 9.1. The appearance of the new radar will essentially be the same as that currently installed at Guernsey Airport, except for the additional 'secondary radar' antenna which will be placed on top of the primary radar antenna. This is a narrower antenna which sits above the main primary radar antenna.
- 9.2. The existing radar tower is 14 metres high (measured to the top of the antenna), the new radar tower is anticipated to be approx 17 metres high (measured to the top of the second antenna), partly due to the addition of a secondary antenna and partly due to the fact that the ground level at the new site is approximately 2 metres lower.
- 9.3. The existing radar tower is close to the runway and is a registered 'obstruction' within the safeguarded area either side of the runway. Whilst such an obstruction is allowed for essential navigational aids, there is a general expectation by the regulator that an airport should remove existing obstructions, whenever possible. It is therefore proposed that the radar be relocated approximately 180 metres north west of the current site.
- 9.4. Consultation has taken place with neighbours on this basis, to keep them informed and consider their views. There is a general consensus to date from neighbours who have responded to our consultation that a move of the tower north-west of its current site is favoured.
- 9.5. As the existing radar will need to remain serviceable during the installation of the new unit, physically locating it on another site means the Airport can continue to use the old radar whilst the new radar is being installed. At the end of the project the existing radar and its tower can then be dismantled.

10. Project Timescales

- 10.1. The project duration will be typically 12 months from letting the contract to operational approval. It is hoped that the work will be completed during 2012, and will be based on daytime working only. There is only a minimal quantity of ground-work required with the installation of a piled concrete base onto

which the tower will be bolted. Project timescales also have dependencies on the Jersey Radar replacement project.

- 10.2. Preliminary site surveys have already been carried out to establish parameters regarding current and prospective locations of the radar.

11. Procurement Process

- 11.1. Three suppliers met the pre-tender qualification criteria:

- Raytheon UK Ltd
- Thales ATM Ltd
- Selex System Integration Ltd

- 11.2. Invitation to tender (ITT) documents were issued to the three bidders on 26th May 2011 and all three submitted tenders by the deadline of 8th July 2010.

- 11.3. Tenders were evaluated on both quality and price with a weighting of 70% afforded to quality and 30% to price, as agreed by the Radar Project Board and endorsed by the Public Services Department.

- 11.4. The tender evaluation panel included representation from the key stakeholder areas, i.e. the Project Board, Air Traffic Control and Air Traffic Engineering.

12. Quality

- 12.1. Sixteen subject areas corresponding to the sixteen parts of the ITT document were evaluated by reviewing the information supplied by the three tenderers.

- 12.2. The tenders were scored for the quality element and ranked as follows:

1. Thales
2. Raytheon
3. Selex

- 12.3. All three bids were of high quality separated by less than 4 marks out of a possible 124 for quality, and the evaluation team were entirely satisfied that they would all be able to deliver the project requirements to a high standard.

13. Cost

- 13.1. Both capital and through-life costs were considered in the cost evaluation. The tenders were ranked as follows on cost:

1. Thales
2. Selex
3. Raytheon

- 13.2. The combined quality and cost scores give the following ranked results:
1. Thales
 2. Selex
 3. Raytheon
- 13.3. The company with the highest scores in both the quality and cost evaluations, Thales ATM Ltd is therefore recommended as the preferred supplier for the Guernsey Airport Radar Replacement project, as it provides the best value for money when considering both capital and through-life costs for PSR/MSSR or PSR only options.
- 13.4. The breakdown of the total proposed project budget of £3.25 million is as follows:

Description	£
Tender for supply of Primary & Secondary Radar from Thales ATM	2,748,569
ParkAir Ltd – Upgrade to Flight Data Handling system for new secondary radar format (already approved as enabling works - para 8.2 refers)	110,000
Ricochet Ltd – Upgrade of radar recorders for new secondary radar format	53,520
Travel and accommodation for Thales ATM engineers*	50,000
New electricity mains supply and demolition of old radar	35,000
FCS Ltd – Flight check services for radar approval	19,757
Project Contingencies	233,154
Total	3,250,000

*The Contractor has been instructed to use the States Travel Service for all travel bookings and the Airport will be invoiced directly to avoid additional mark-up.

14. Approvals

Planning

- 14.1. The Environment Department has confirmed that there is no requirement under the Planning Law and Ordinances for Planning Approval for the new radar, nor is there a requirement to carry out an Environmental Impact Assessment. Consultation with our nearby neighbours has been undertaken to mitigate the requirement not to apply for formal planning permission. This consultation has led to the selection of the current site. Building Control approval will be required for this development.

Treasury and Resources - Gateway Reviews

- 14.2. Every capital project is required to pass three Gateway Reviews, undertaken by the Treasury and Resources Department in an independent capacity, to ensure continued business justification for the project, and to ensure that the project is being managed in accordance with the principles of best project management practice.
- 14.3. As part of this process, detailed Business Cases for both the Primary and Secondary Radar options were produced and have been approved by the Project Board and the Public Services Department. The business case has been reviewed as part of the Gateway Review process.
- 14.4. The project was independently reviewed by the Treasury and Resources department and received an “Amber” status at Gateways 1 and 2, which meant the project could progress, subject to action being taken on recommendations made by the Gateway Review team.
- 14.5. The third Gateway Review took place on 12 September 2011. The project was awarded a “Green” status which meant that the Project Board was able to progress with the appointment of the preferred supplier, subject to gaining States approval.

15. Budget

- 15.1. As part of the Capital Prioritisation debate in June 2009 (Billet D’Etat IX, 2009) the States approved the project as a Priority 1 with an estimated cost of £2.4 million for the Replacement of the Primary Radar at Guernsey Airport. This represents a current value of £2.57 million (adjusted for inflation (RPIX Sept 08 – June 11))
- 15.2. The original estimate was provided for inclusion into the capital prioritisation process in 2008 and was calculated from a euro base price as two of the three potential suppliers were based in Europe. At that time the euro rate was particularly high. The fall in the euro exchange rate between 2008 and the time the budget estimate was recalculated (Feb 2010) added another £250k to the base cost.
- 15.3. In addition, when developing the detailed business case for the Radar Replacement, the Project Board recognised an opportunity for further cost saving and developed the scope of the procurement to include an optional Secondary Radar antenna which, if procured as part of the Primary Radar replacement, would avoid the need to purchase that data from Jersey Airport with a corresponding saving over the life of the project. A Secondary Radar unit would also provide a greater degree of redundancy for both airports.
- 15.4. On this basis the Public Services Department wrote to the Treasury and Resources Department which subsequently confirmed that it raised no objections to the development of the scope to include a Secondary Radar

option provided a robust business case was made as part of the Gateway Review process and it noted the proposed increase in the estimate.

- 15.5. In the Treasury and Resources Department's second Capital Prioritisation Report in September 2009 the estimated cost of the Project was increased to £3.5 million to allow for the possible inclusion of a secondary radar.
- 15.6. Based on the pre-tender estimate and the tendering process undertaken by Jersey Airport in 2010, the estimated cost of £3.5 million for the procurement of a Primary and Secondary Radar was considered sufficient throughout the early phases of the project.
- 15.7. Analysis of the whole life costs of the proposed radar installation indicates an ongoing maintenance charge of approximately £50k per annum. This sum will be funded from existing airport maintenance budgets. Further discussions on maintenance support contracts will be undertaken with the supplier in an effort to reduce the scope and cost of support without unduly compromising the serviceability of the equipment. On a like-for-like basis however the costs of support provided by the preferred supplier were the lowest of all three bids.

16. Consultation

- 16.1. The Law Officers have advised the Project Board on the selection of the most suitable contract for the project and they also reviewed and approved the "Invitation to Tender" documentation.
- 16.2. Guernsey Airport management has liaised with Jersey on the planning and timing of the installation work as each island is dependent on the other for backup radar services.
- 16.3. A drop-in session was held in the Airport Terminal concourse on 19th July 2011 to keep neighbours informed of plans for the radar replacement and re-location. Letters to neighbours were sent out in advance and after this event together with information leaflets.
- 16.4. The Airport has been liaising with its nearest and largest commercial neighbour over the radar proposals which will see the unit repositioned closer to its boundary.
- 16.5. Local telecoms providers have also been consulted as they both have mobile base stations located on the existing Radar tower.

17. Recommendation

The Public Services Department therefore recommends the States:

1. To approve the acceptance of the tender from Thales ATM Ltd in the sum of £2,748,569

2. To approve a capital vote of £3,250,000 for the radar replacement charged to the Accounts of Guernsey Airport
3. To authorise the Treasury and Resources Department to transfer a maximum sum of £3,250,000 from the Capital Reserve to Guernsey Airport in respect of this project.

Yours faithfully

B M Flouquet
Minister

Other Members of the Department are:

- 1) S J Ogier, Deputy Minister
- 2) T M Le Pelley
- 3) A Spruce
- 4) J Kuttelwascher

(NB Treasury and Resources Department has commented as follows:

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

14th October 2011

Dear Chief Minister

**PUBLIC SERVICES DEPARTMENT – GUERNSEY AIRPORT RADAR
REPLACEMENT**

The Treasury and Resources Department recognises the need for the replacement of the Guernsey Airport Primary Surveillance Radar.

This project has been subject to the Gateway Review process which provides assurance to all stakeholders that the project continues to have merit and that it can be justified on a ‘business needs’ basis with an assessment of the likely costs, risks and potential for success compared to the original brief. The recommended supplier scored highest in post-tender evaluations in both quality and cost.

The inclusion of a secondary radar as part of this project is expected to pay for itself within three years as payments to the States of Jersey for the provision of this service will no longer be required.

The Treasury and Resources Department has updated the capital prioritisation funding model to include the revised cost and timing for the two projects (including this one) which require funding from the Capital Reserve and are contained in this Billet d’État. As this project is anticipated to require less funding from the Capital Reserve and commence slightly later than previously estimated, it can be funded from the Capital Reserve and the cash flow projections do not anticipate a shortfall. However, it should be borne in mind that there are still a number of the projects included in the capital programme at an early planning stage and final vote requests could be significantly different to the amounts previously estimated.

An update on the capital prioritisation funding model will be included in the 2012 Budget Report.

The Treasury and Resources Department supports this States Report.

Yours sincerely

C N K Parkinson
Minister)

(NB The Policy Council recommends that these proposals be accepted by the States of Deliberation to ensure the safe and efficient movement of air traffic to and from Guernsey and Alderney airports for the foreseeable future, which is vital for the island's economic and social objectives.)

The States are asked to decide:-

V.- Whether, after consideration of the Report dated 20th September, 2011, of the Public Services Department, they are of the opinion:-

1. To approve the acceptance of the tender from Thales ATM Ltd in the sum of £2,748,569.
2. To approve a capital vote of £3,250,000 for the radar replacement charged to the Accounts of Guernsey Airport.
3. To authorise the Treasury and Resources Department to transfer a maximum sum of £3,250,000 from the Capital Reserve to Guernsey Airport in respect of this project.

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

RULES RELATING TO THE ELECTION OF CHIEF MINISTER, DEPUTY CHIEF MINISTER, MINISTERS AND CHAIRMEN

The Presiding Officer
The States of Guernsey
Royal Court House
St Peter Port

20th October 2011

Dear Sir

EXECUTIVE SUMMARY

This report proposes that Rule 20 of the Rules of Procedure of the States of Deliberation be amended to:

- provide an opportunity for States Members to question candidates for the offices of Chief Minister, Deputy Chief Minister, Minister and Chairman;
- increase the time limit for candidates' speeches from five minutes to ten minutes;
- remove the provision for proposers' speeches;
- rescind the provisions of Rule 20 (5) insofar as they relate to Chairmen of Non-Governmental Bodies.

REPORT

1. Rule 20 (3) (d) provides that on a proposition to elect a Chief Minister the Presiding Officer shall, whether or not there is more than one candidate, invite the proposer(s) and the candidate(s) each to speak for not more than five minutes.
2. Rule 20 (4) provides that on a proposition to elect a Minister or Deputy Chief Minister, the Presiding Officer shall, if there is more than one candidate, invite the proposers and the candidates each to speak for not more than five minutes. Similar provision is made in Rule 20 (5) in respect of the elections of chairmen of Committees or Non-Governmental Bodies.
3. The effect of those Rules is that the proposers of candidates for the offices mentioned are given five minutes in which to set out the attributes of the candidates whom they are proposing. Whilst such speeches are helpful they are,

by their nature, rather one-sided in that the speakers are unlikely to identify any weakness in the candidates. In addition, the candidates themselves also have five minutes in which to address the States.

4. The Committee has reached the conclusion that there is little merit in proposers making speeches for elections to the office of Chief Minister, Deputy Chief Minister, Ministers and Chairmen. It is for the candidates themselves to set out why they believe they are suitable persons to hold the contested office. It is therefore proposed that candidates for those offices should be subject to a speech limit of ten minutes.
5. The States Assembly and Constitution Committee is of the opinion that Members should be afforded an opportunity to question candidates on relevant issues which the candidates may not have the time or inclination to address in their speeches. The period of questions should help Members to understand more fully the views the candidate holds in respect of both the policy areas included in the mandate of the Department or Committee which he is seeking to lead and, in the case of ministerial candidates, the policy areas included in the mandate of the Policy Council.
6. The Committee acknowledges that in our system of government by committees and consensus, Ministers and Chairmen in Guernsey hold less formal power than is the case in cabinet systems of government. Nothing in this report changes that. However, the Committee believes that the skills and political views of a Minister or Chairman have a considerable bearing on the approach and political direction of his Department or Committee.
7. For example, the influence of a Minister or Chairman on the political composition of his Department or Committee was emphasised during the internal election process in 2008, when 56 of the 64 seats for members of Departments and Committees (87.5%) were populated by candidates nominated by the Minister or Chairman.
8. It is the view of the Committee that questions – and indeed answers – should be focussed. Consideration was given as to whether there should be fixed time limits for each question/answer or simply an overall time period accompanied by some guidance counselling brief and succinct questions and answers. The Committee believes that simply having an overall time period may be open to abuse and challenges: it therefore proposes that:
 - no Member be entitled to ask more than one question of each candidate;
 - questions be restricted to no more than 30 seconds in length;
 - answers be restricted to no more than 1 minute in length; and
 - the question time period be limited to 30 minutes per candidate.
9. The Committee recognises that 30 minutes would not allow every Member to ask a question. However, the time proposed is sufficient to enable a selection of

topics to be explored. Further, the likelihood is that not all Members will seek to place a question.

10. However, the new procedure, with strict time limits, will need to be rigorously enforced by the Presiding Officer – even if a questioner or candidate is in mid-sentence in asking the question or providing the answer. It follows that Members will have to be focussed, be succinct and ready to accept the Presiding Officer's ruling when the time limit has been reached.
11. The Committee is proposing that whilst a candidate is speaking or being questioned, other candidates for the same office must withdraw from the Chamber to a place where they cannot hear the proceedings. There are similar arrangements in place in some other jurisdictions which provide for questioning of candidates and the Committee believes that it is a fair procedure to adopt.
12. The Committee acknowledges that candidates who are excluded in an early round of voting will be placed in a position of then having to take part in subsequent votes, not having had the opportunity of hearing the speeches and questioning of the remaining candidates. However, on balance, the Committee has concluded that the requirement that candidates leave the Chamber is, to put it colloquially, the lesser of the two evils.
13. In May 2008 there were six candidates for the office of Chief Minister. Under the proposed rules candidates' speeches, proposers' speeches and question time would have taken a maximum of 3 hours 36 minutes. With regard to the 2008 elections of Ministers, Deputy Chief Minister and Chairmen, of the 16 seats available, seven were not contested. A total of 21 candidates were nominated for the nine contested seats. Under the proposed rules candidates' speeches, proposers' speeches and question time would have taken a maximum of 5 hours 24 minutes. Those statistics indicate that, allowing time for vote counting etc., it would be possible to complete the election of a Chief Minister in one day and the elections of Ministers, Deputy Chief Minister and Chairmen in one and a half days. The Committee believes that it is quite reasonable for the States to allocate such a period of time given the importance of the internal election process.
14. Rule 19 of the Rules relating to the Constitution and Operation of States Departments and Committees defines Non-Governmental Bodies as being:
 - (a) Ladies' College Board of Governors;
 - (b) Parochial Outdoor Assistance Boards (*these no longer exist*);
 - (c) Priaulx Library Council;
 - (d) Elizabeth College Board of Directors.

Of the above bodies the only one of which the Chairman must be a Member of the States is the Ladies' College Board of Governors. The Committee is of the opinion that the Non-Governmental Bodies are essentially apolitical and therefore sees no reason why candidates for the office of chairman of those bodies should be included in the proposed provisions set out earlier in

this report. Consequently the Committee proposes minor changes to Rules 20(5) and 20(7) to remove the Non-Governmental Bodies from that process.

15. The Committee considers that the Rules of Procedure should be amended to provide a period in which Members can address questions to candidates for the offices of Chief Minister, Deputy Chief Minister, Minister and Chairman (other than the Chairman of a Non-Governmental Body). The detail of the recommendations referred to above are set out in detail in paragraph 19.

CONSULTATION / RESOURCES / NEED FOR LEGISLATION

16. The Presiding Officer and H. M. Greffier have been consulted pursuant to Rule 14(6) of the Rules relating to the Constitution and Operation of States Departments and Committees. The Law Officers have not identified any reason in law why the proposals set out in this Report cannot be implemented.
17. The approval of the recommendations would have no implications for the manpower resources of the States nor do they require any legislation.

PRINCIPLES OF GOOD GOVERNANCE

18. The Committee is of the view that good governance demands that the internal election process should be robust and well-informed and that the proposals contained in this report will go some considerable way to achieving that objective.

RECOMMENDATIONS

19. The States Assembly and Constitution Committee recommends the States to agree that Rule 20 of the Rules of Procedure of the States of Deliberation be amended with immediate effect as follows:
 - i. Delete sub-paragraph (3) (d) and add:
 - “(d) at the election meeting, the Presiding Officer shall, in respect of each candidate (or the candidate if there is only one)
 - (i) invite the candidate to speak for not more than 10 minutes;
 - (ii) allow Members to question each candidate for a period not exceeding 30 minutes, provided that
 - (1) no Member may ask more than one question;
 - (2) the questioner may not speak for more than 30 seconds;
 - (3) the candidate may not speak for more than 1 minute in response to each question;

- (e) whilst a candidate is speaking or being questioned in accordance with the provisions of the preceding sub-paragraph, other candidates must withdraw to a place where they cannot hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”.

ii. Delete paragraph (4) and substitute:

“On a proposition to elect a Minister or Deputy Chief Minister:

- (a) the Presiding Officer shall first invite the Chief Minister, and thereafter other Members, to propose eligible candidates. Nobody shall speak about a candidate at that stage; and if only one candidate is proposed and seconded the Presiding Officer shall put the election of that candidate to the vote without speeches;
- (b) if more than one candidate is proposed, the Presiding Officer shall, in respect of each candidate
 - (i) invite the candidate to speak for not more than 10 minutes;
 - (ii) allow Members to question each candidate for a period not exceeding 30 minutes, provided that
 - (1) no Member may ask more than one question;
 - (2) the questioner may not speak for more than 30 seconds;
 - (3) the candidate may not speak for more than 1 minute in response to each question;
- (c) whilst a candidate is speaking or being questioned in accordance with the provisions of the preceding sub-paragraph, other candidates must withdraw to a place where they cannot hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”.

iii. Delete paragraph (5) and substitute:

“On a proposition to elect a Chairman of a Committee:

- (a) the Presiding Officer shall first invite Members to propose eligible candidates. Nobody shall speak about a candidate at that stage; and if only one candidate is proposed and seconded the Presiding Officer shall put the election of that candidate to the vote without speeches;
- (b) if more than one candidate is proposed, the Presiding Officer shall, in respect of each candidate
 - (i) invite the candidate to speak for not more than 10 minutes;
 - (ii) allow Members to question each candidate for a period not exceeding 30 minutes, provided that
 - (1) no Member may ask more than one question;

- (2) the questioner may not speak for more than 30 seconds;
- (3) the candidate may not speak for more than 1 minute in response to each question;
- (c) whilst a candidate is speaking or being questioned in accordance with the provisions of the preceding sub-paragraph, other candidates must withdraw to a place where they cannot hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”.
- iv. In paragraph (7) delete the first sentence and substitute therefor:
“On a proposition to elect a Chairman or members of a Non-Governmental Body, the Presiding Officer shall invite Members to propose eligible candidates.”.

Yours faithfully

M. M. LOWE

Vice-Chairman
States Assembly and Constitution Committee

Members of the Committee are
Deputy I. F. Rihoy (Chairman)
Deputy M. M. Lowe (Vice-Chairman)
Deputy T. M. Le Pelley
Deputy S. L. Langlois
Deputy M. J. Fallaize

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated 20th October, 2011, of the States Assembly And Constitution Committee, they are of the opinion:-

1. The States Assembly and Constitution Committee recommends the States to agree that Rule 20 of the Rules of Procedure of the States of Deliberation be amended with immediate effect as follows:

i. Delete sub-paragraph (3) (d) and add:

“(d) at the election meeting, the Presiding Officer shall, in respect of each candidate (or the candidate if there is only one)

(i) invite the candidate to speak for not more than 10 minutes;

(ii) allow Members to question each candidate for a period not exceeding 30 minutes, provided that

(1) no Member may ask more than one question;

(2) the questioner may not speak for more than 30 seconds;

(3) the candidate may not speak for more than 1 minute in response to each question;

(e) whilst a candidate is speaking or being questioned in accordance with the provisions of the preceding sub-paragraph, other candidates must withdraw to a place where they cannot hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”.

ii. Delete paragraph (4) and substitute:

“On a proposition to elect a Minister or Deputy Chief Minister:

(a) the Presiding Officer shall first invite the Chief Minister, and thereafter other Members, to propose eligible candidates. Nobody shall speak about a candidate at that stage; and if only one candidate is proposed and seconded the Presiding Officer shall put the election of that candidate to the vote without speeches;

(b) if more than one candidate is proposed, the Presiding Officer shall, in respect of each candidate

(i) invite the candidate to speak for not more than 10 minutes;

(ii) allow Members to question each candidate for a period not exceeding 30 minutes, provided that

(1) no Member may ask more than one question;

(2) the questioner may not speak for more than 30 seconds;

(3) the candidate may not speak for more than 1 minute in response to each question;

- (c) whilst a candidate is speaking or being questioned in accordance with the provisions of the preceding sub-paragraph, other candidates must withdraw to a place where they cannot hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”.
- i. Delete paragraph (5) and substitute:
 - “On a proposition to elect a Chairman of a Committee:
 - (a) the Presiding Officer shall first invite Members to propose eligible candidates. Nobody shall speak about a candidate at that stage; and if only one candidate is proposed and seconded the Presiding Officer shall put the election of that candidate to the vote without speeches;
 - (b) if more than one candidate is proposed, the Presiding Officer shall, in respect of each candidate
 - (i) invite the candidate to speak for not more than 10 minutes;
 - (ii) allow Members to question each candidate for a period not exceeding 30 minutes, provided that
 - (1) no Member may ask more than one question;
 - (2) the questioner may not speak for more than 30 seconds;
 - (3) the candidate may not speak for more than 1 minute in response to each question;
 - (c) whilst a candidate is speaking or being questioned in accordance with the provisions of the preceding sub-paragraph, other candidates must withdraw to a place where they cannot hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”.
- ii. In paragraph (7) delete the first sentence and substitute therefor:
 - “On a proposition to elect a Chairman or members of a Non-Governmental Body, the Presiding Officer shall invite Members to propose eligible candidates.”.

ORDINANCE LAID BEFORE THE STATES

**THE LIBYA (RESTRICTIVE MEASURES) (GUERNSEY) (AMENDMENT)
(NO.3) ORDINANCE, 2011**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Libya (Restrictive Measures) (Guernsey) (Amendment) (No.3) Ordinance, 2011, made by the Legislation Select Committee on 11th October 2011, is laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

WASTE DISPOSAL CHARGES (NO.3) REGULATIONS, 2011

In pursuance of section 32(2)(c) of Environmental Pollution (Guernsey) Law, 2004, the Waste Disposal Charges (No.3) Regulations, 2011, made by the Public Services Department on 7 October 2011, are laid before the States.

EXPLANATORY NOTE

These Regulations, made by the Public Services Department in its capacity as Waste Disposal Authority under the Environmental Pollution (Guernsey) Law, 2004, prescribe the charges payable in order to dispose of waste at the Authority's waste disposal sites as from 1 January, 2012.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL
BENEFIT) (AMENDMENT NO.5) REGULATIONS, 2011**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No.5) Regulations, 2011, made by the Social Security Department on 5 October 2011, are laid before the States.

EXPLANATORY NOTE

These Regulations add to and remove from the limited list of drugs and medicines available as pharmaceutical benefit which may be ordered to be supplied by medical prescriptions issued by medical practitioners. These Regulations came into operation on 5 October 2011.

APPENDIX 1**PUBLIC ACCOUNTS COMMITTEE**

REPORT FOR THE PERIOD 1st MAY 2009 TO 30th SEPTEMBER 2011

The Presiding Officer
The States of Guernsey
Royal Court House
St Peter Port

13th October 2011

Dear Sir

In accordance with Resolution XII of Billet d'Etat XXIV of October 2003, I am pleased to present the Public Accounts Committee's sixth Report.

1 Executive Summary

- 1.1 In view of its heavy workload in 2010, the Public Accounts Committee (the Committee) decided that it should concentrate on its main workstreams and delay its Annual Report until it had the resources and time to complete it. This document now outlines the culmination of the work carried out by the Committee since May 2009 up to end of September 2011 and the plans for the ultimate few months of its term of office.
- 1.2 During this period the full Committee met 80 times to 30 September 2011, and in addition there were 46 working party and sub-committee meetings.
- 1.3 Three independent value for money reviews commissioned in 2008 were completed namely New Jetty, Good Governance and Investments. A further review was commissioned into Secondary Healthcare and the third party reviewer's report was released into the public domain in June 2011. The total cost of these reviews was in the region of £290,000 (see 5.2).
- 1.4 The Committee's published reports were:
 - *The Committee's Fifth Annual Report*
 - *Review of the New Jetty with appended FGS McClure Watters Report*
 - *Education Development Plan 1- Post Implementation Reviews*

- *Rescinding Resolution Re Off-Island Placements*
 - *Concluding the Investigation into the Award of the Clinical Block Contract*
 - *Governance in The States of Guernsey (the initial Wales Audit Office report on this topic was published in September 2009)*
 - *Investments of The States of Guernsey with appended Report of PricewaterhouseCoopers CI LLP*
- 1.5 A full list of all the Committee's Reports published during this term of office can be found at <http://www.gov.gg/ccm/navigation/government/public-accountscommittee/reports/>
- 1.6 The Committee continued its monitoring role supported by its working parties: Contract Review Working Party (CRWP), Audit Sub Committee (ASC) and the most recently formed, Accounts Review Group (ARG). As part of their role, these groups monitor and assess Post Implementation Reviews of Capital projects (CRWP), the External and Internal Audit function (ASC) and the States Accounts (ARG) before reporting back to the full Committee on their findings.
- 1.7 During this period, the Committee also further developed its relationships with the main bodies that provide the scrutiny function within the States, namely, Internal Audit, the Scrutiny Committee, the Financial Transformation Programme (FTP) and the External Auditors. These relationships are vital in order to ensure that duplication of areas of review is eliminated and that any joint investigations are well co-ordinated.

2 The Role of the Public Accounts Committee

- 2.1 In order to fulfil its mandate, the Public Accounts Committee takes policy as read and focuses on carrying out reviews into States Departments and States funded non-States bodies in order to ascertain whether they are providing best use of public money for Guernsey.
- 2.2 The Committee is tasked with ensuring proper financial scrutiny of States' Departments takes place and that States' and non-States bodies' operate to the highest standards in financial matters.
- 2.3 Acting as a *safeguard* to public money, it investigates whether public funds have been *applied for the purposes intended by the States* and that value for money has been achieved.
- 2.4 Where necessary, the Committee makes recommendations aimed at achieving better value for money in the future, through its published States Reports. The Committee's full Mandate can be accessed at:
<http://www.gov.gg/ccm/navigation/government/public-accounts-committee>

Committee Membership and Staff

- 3.1 There has been continuity of the Committee membership throughout the period of this report and the full complement of three full time staff is now in place and settled.
- 3.2 A list of Committee members can be found at the end of this report and the PAC website on gov.gg indicates any membership of other States bodies.
- 3.3 The previously temporary member of staff became permanent in May 2009 and a replacement officer was appointed in late September 2010, following the departure of the previous incumbent to another Department after a short period of time in post. Therefore over the period staffing amounted to 2.5 Full Time Equivalent.

4 Dialogue with Third Parties

- 4.1 In its work, the Committee keeps abreast of developments throughout the States and make enquiries where it feels more information is needed, through correspondence, meetings and hearings. In regard to the latter, the Committee ensures that guidance for witnesses attending hearings are current and incorporate procedures for holding hearings in public.
- 4.2 The Committee met with the Treasury and Resources Department Board to discuss a range of topics including contracts and audit processes and with Treasury and Resources staff re rules, directives and post implementation reviews.
- 4.3 In June 2009, the Committee met with representatives of the Commonwealth Parliamentary Association (CPA) in order to gather information on how other jurisdictions appoint and work with, an Auditor General. The relationship with the CPA has developed considerably since that time, with the CPA giving the Committee support and information in its research.
- 4.4 In October 2009, the Committee met with the Director General of the Office of Utility Regulation, it having been some time since he had last visited. The additional work being directed its way was discussed, as well as a general update on its current work streams.
- 4.5 A close working relationship has been developed with the Public Accounts Committee of the States of Jersey following the appointment of a Public Accounts Committee Officer there.
- 4.6 The Auditor General Working Party visited Jersey in 2009, the Jersey Public Accounts Committee came to Guernsey in June 2010 and the full Guernsey

Public Accounts Committee went to Jersey in November 2010, both to cement the relationship and discuss the options of joint working.

- 4.7 The Comptroller and Auditor General for Jersey proposed carrying out a number of short exercises for both Public Accounts Committees, including one on Comparative Performance Data. An initial document has been received and the Committee look forward to this being developed further in the coming months.
- 4.8 Both Islands Committees' look forward to carrying out joint pan island reviews as the relationship continues to be developed.
- 4.9 Guernsey's Public Accounts Committee is highly regarded internationally for its approach to its work and was recommended to the newly formed Falkland Islands Public Accounts Committee by the UK Foreign Office, as a worthy jurisdiction to visit. Subsequently, the Falkland Islands Committee travelled to the Island in February 2010 to observe and participate in a meeting of the Guernsey Committee
- 4.10 Full details of the visitors to Committee meetings are found in Appendices II and III and correspondence in relation to its monitoring role in Appendix IV.

5 Value For Money Reviews

- 5.1 A large part of the work undertaken by the Committee is with regard to value for money reviews. As explained in Section 2 and within the mandate of the Committee, these reviews are conducted to ensure that public funds are used for the purposes intended by the States and not wasted.
- 5.2 The comprehensive reviews undertaken and completed in this area for the period of this Report cost £289,440 in total and are described below.

Governance in the States of Guernsey

- 5.3 By far the leading and at times the most controversial workstream carried out during the period of this Report, related to Governance in the States of Guernsey.
- 5.4 Good governance is defined as "*the prerequisite for every public body to deliver sustainable, value for money and quality services in a transparent manner*"¹ and to ensure that bodies are "*doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner*"². This is applicable to all democratic forms of government including that of Guernsey.

¹ *Review of Good Governance: The States of Guernsey* by Wales Audit Office, September 2009, page 7

² *Delivering Good Governance in Local Government Framework* by CIPFA, 2007

- 5.5 Two years of intensive work by the Committee and its staff, culminated in March 2011 when the Committee's benchmark report on Governance³ was successfully brought before the States of Deliberation.
- 5.6 The Committee's recommendation to adopt the six principles of good governance from the UK Independent Commission of Good Governance in Public Services was accepted by a convincing majority of the States of Deliberation, together with a supporting amendment which directed the Policy Council to incorporate clear reference to the same principles into the States Strategic Plan (SSP).
- 5.7 At the beginning of April 2011 and to comply with the amendment directing the Policy Council to incorporate references to the six principles in the SSP, the Deputy Chief Executive on behalf of the Policy Council, issued instructions to all Chief Officers to ensure that departmental reports make reference to the degree to which in the Departments' estimation the proposals comply with the six principles of good governance and that every States Report appearing in Billet d'États from September 2011, should also introduce these new arrangements.
- 5.8 The Departments' self assessment against the six Core Principles will in future be examined by the Policy Council and if it chooses to append a statement to the States Report, it will either:
- (a) *Confirm its agreement with the Departments' self assessment or*
 (b) *Express a contrary view.*
- 5.9 An additional amendment to the Committee's report on governance directed it to work together with the Scrutiny and States Assembly and Constitution Committees, to bring focused directives back to the States indicating how the six Core Principles of Good Governance could be adopted to suit the form of government in Guernsey. A working party (the Joint Committees Working Party) including representatives of this Committee is engaged with the task of returning to the States of Deliberation with its proposals by March 2012.

The Committee is pleased that in every Report presented to the States of Deliberation reference is made to the Core Principles of good governance relevant to the subject of the Report.

³ Billet d'État IV, March 2011- Governance in the States of Guernsey

Off-Island Placements

- 5.10 In January 2008 and after consideration of the Committee's follow-up Report on Controlling Expenditure on Off-Island Placements⁴, the States resolved to:
- *“note the report;*
 - *direct the Health and Social Services Department to continue to progress the recommendations of that Report in order to achieve greater value for money;*
 - *direct the Public Accounts Committee to monitor and review the action taken by the Health and Social Services Department and to carry out a full review in 2010.”*
- 5.11 In December 2010, the Committee requested that the States of Deliberation rescind its earlier resolution directing the Committee to carry out a further full review on Off-Island Placements as the Financial Transformation Programme (“FTP”) Team was already considering this matter. The Committee still believes that efficiency savings can be achieved and looks forward to the outcome of the FTP findings.

The Committee was pleased to note that in the 2010 States' Accounts the expenditure in Off-Island Placements had reduced significantly on previous years. A reduction of £2,419,000 (13 %) was disclosed by HSSD.

Investments of the States of Guernsey

- 5.12 In July 2007, the States of Guernsey had £2billion invested which covered funds from other non-States bodies and Superannuation and Social Security funds, held by the States Treasury and Resources and Social Security Departments.
- 5.13 In view of the size of these funds and their importance to Guernsey, the Committee agreed that it should investigate whether the governance and management of these funds was robust and in line with best practice.
- 5.14 PricewaterhouseCoopers CI LLP (PwC) was selected from the Committee's Framework Agreement to undertake the initial stage of the review and published their report in November 2009.
- 5.15 In its report, PwC made eighteen recommendations to improve the management of the Investments of the States of Guernsey, which were circulated to the parties involved. In February 2010, the Committee held a hearing on that report, questioning senior staff of the Treasury and Resources and Social Security Departments on areas the report had highlighted.

⁴ Billet d'État I, January 2008 – Controlling Expenditure on Off-island Placements

- 5.16 During 2010, the Treasury and Resources and Social Security Departments considered each recommendation that was applicable to them and actively started to implement the recommendations.
- 5.17 Based on the evidence provided by the two Departments, an update on the progress of the implementation of recommendations and other evidence gathered, the Committee concluded in its Report of April 2011⁵, that the Investments held on behalf of the States of Guernsey were secure and the day to day management of the funds was conducted in a professional and competent manner.
- 5.18 At that time, of the eighteen recommendations, 8 had been implemented by both Departments, 3 by the individual Department concerned, with 7 still being considered or in the process of being implemented.
- 5.19 Given the importance of the Investments however, the Committee recommended in its Report of April 2011 that certain information should be made public and possibly be provided as part of the Annual Accounts of the States. The Ministers of both Treasury and Resources and Social Security Departments have confirmed their Department's intention to do so.

Secondary Healthcare in the States of Guernsey

- 5.20 In early 2011, the Committee published a further benchmark Report of the year which was on Secondary Healthcare in the Island.
- 5.21 This was an area identified as being of concern due to increasing costs and a fast approaching renewal date of the external specialists' current contracts. These contracts were set up in 2002 and are due to last until 2017, with renewal breaks every five years. The supply of medical professionals for this area is provided by the Medical Specialist Group and Guernsey Physiotherapy Group and the contracts administered by the Social Security Department (SSD).
- 5.22 Sector Treasury Services Ltd ("Sector") was commissioned to conduct the initial stage of this review and questioned:

"Does the provision of secondary care within Guernsey under the current contracts with the Medical Specialist Group and Guernsey Physiotherapy Group provide best value?"

and

"Whether there could be more cost effective ways to provide such specialist care within Guernsey?"

⁵ Billet d'État VI, April 2011 – Investments in the States of Guernsey

- 5.23 The first stage of the review was completed and Sector's final report was published in May 2011. The main conclusion of the report was, "*whilst Guernsey has a Secondary Healthcare system of which it is justly proud and the introduction of the current arrangements have brought about a real step change in the availability and affordability of healthcare to the island's residents, there are now significant doubts that the two contracts provide optimal value for money. There are also indications that alternative models may be more cost effective*".
- 5.24 19 recommendations were made by Sector which, if followed, would result in improvements in the system:
- (a) *Different approaches to the contract;*
 - (b) *Robust assessments of the overhead costs incurred through the contract;*
 - (c) *Improved governance arrangements;*
 - (d) *A more flexible approach to service delivery; and*
 - (e) *Greater rigour and clarity in the referral protocols.*
- 5.25 Many of the areas highlighted by the Sector report are incorporated in the Health and Social Security Department's Future 2020 Vision of the Health and Social Services System report, which was considered by the States of Deliberation in May 2011⁶.
- 5.26 The Committee has met with the Chief Officers and senior staff of both Health and Social Services and Social Security Departments and will continue to monitor the action taken to achieve value in Secondary Healthcare on the Island.

The Committee anticipates that the reported findings will assist the Departments to reform and modernise the operation of Secondary Healthcare in Guernsey, whilst also bringing value for money to the forefront.

6 Project Reviews and Investigations

- 6.1 In addition to the value for money reviews and financial scrutiny, the Committee also continues to review past projects in order to identify whether funds were applied for the purposes intended and ensure that the highest standards are being achieved, in particular in project management.

⁶ Billet d'État VIII, volume 1, May 2011

New Jetty

- 6.2 The Committee's Report on the New Jetty⁷ contract concluded that many errors throughout the project contributed to the overspend. However, it noted that since the project finished, the States had:
"adopted proper project management concepts in accordance with best and accepted practice for all future major capital projects"
 and
"developed its present approach to risk and that the Codes of Practice fully incorporate clear instructions on risk management including risk analysis and risk registers"
 and taken appropriate action
"to ensure that the full extent of work needed has been taken on board and to ensure that the risks involved are incorporated into the budget request."
- 6.3 Some recommendations of the Committee are still being considered, namely that:
"The Committee believes that centralisation of the management of capital projects would provide better value to the States and bring a corporate approach to the provision and management of new capital resources"
 and
"The Committee considers that there should be some direction within the Codes of Practice on what is expected in respect of the reporting of a project from the Project Board to the political board."

The implementation of proper project management concepts and the continuing development of the Codes of Practice by the States, should enable all future capital projects to be undertaken with a much greater degree of both risk and project management.

Education Development Plan 1

- 6.4 The Education Development Plan 1 is one of the largest capital programmes undertaken by the States. Over a period of time it is estimated that the Plan will, at 2002 costs, total in excess of £182.5m.⁸
- 6.5 In July 2010, the Committee published a States Report⁹ following the completion of the Department's Education Development Plan 1 and after receiving four PIRs and a 'lessons learnt' document in relation to that Plan.

⁷ Billet d'État IX, April 2010 – New Jetty

⁸ *Education Development Plan: Programme 1: Sixth Form Centre* - Internal Audit report prepared by Contractauditline, October 2007, page 3.

⁹ Billet d'État XVII, July 2010 – Education Development Plan 1: Post Implementation Reviews.

The conclusion of the Committee is that the Codes of Practice and gateway reviews that have now been established by the States, should enable the elimination of many of the problems previously encountered.

Concluding the Investigation into the award of the Clinical Block Contract

- 6.6 In October 2006, the Health and Social Services Department presented a Report to the States recommending the award of a contract to construct a clinical block at the Princess Elizabeth Hospital.
- 6.7 The Committee carried out an expeditious review and documented its findings in a short report that was issued to States' Members at the October 2006¹⁰ States of Deliberation meeting. At the same meeting the States of Deliberation also supported a proposition for a full independent review of all circumstances leading to the award of the contract for the Health and Social Security Department Princess Elizabeth Hospital - Phase 5.
- 6.8 After consideration of the findings of the third party reviewer, the Committee issued its own Report in February 2007¹¹. This detailed the Committee's concern that there were major shortcomings in the administrative procedures and advised that a full review of the current procedures should be undertaken with new guidelines introduced.
- 6.9 Subsequently, the States of Deliberation directed the Policy Council to allocate the recommendations to the appropriate Departments for implementation.
- 6.10 The Committee continued to monitor the progress made against the recommendations and awaited the acceptance by the States of the final process and procedural change to implement them before reporting back to the States of Deliberation. A brief Report from the Committee, concluding this investigation was appended to the February 2011 Billet.

The Committee is pleased that full consideration was given to the recommendations and appropriate action taken to implement them or find alternatives. The advances made in strengthening the standards in the management of financial affairs, the introduction of mandatory Financial and Resource Management Rules and the improvement in the States Rules of Procedures since 2007 should be recognised.

¹⁰ <http://www.gov.gg/ccm/navigation/government/public-accounts-committee/reports/>

¹¹ Billet d'État VI, February 2007 – Investigation into the award of the Clinical Block contract.

7 Monitoring

7.1 A substantial part of the Committee's role is monitoring. This includes:

- reviewing Post Implementation Reviews of capital projects;
- ensuring that previous recommendations from the Committee's Reports are implemented;
- revisiting progress made after previous Committee's investigations and reports;
- reacting to subjects within States Billets d'État;
- complying with Resolutions of the States of Deliberation.

7.2 A portion of this work is undertaken by the Committee's working parties: Contract Review Working Party, Audit Sub Committee and the Accounts Review Group, who then report back to the full Committee with their findings and recommendations.

Contract Review Working Party

7.3 As the Committee is responsible for ensuring that Guernsey receives value for money in respect of the procedures from awarding of contracts to conclusion and that procedures are correctly adhered to with regard to the States accounting and administrative guidelines and best practice.

7.4 The Committee decided in June 2004 to set up a working party to research and investigate contracts entered into by the various Departments of the States of Guernsey. The Contract Review Working Party was formed to fulfil these aims.

Audit Sub Committee

7.5 In 2005, it was decided that in order to monitor the financial scrutiny roles carried out by other bodies, a working party would be set up with that focused task and in 2008 was renamed the Audit Sub Committee.

7.6 As part of its tasks, this sub-committee would receive regular updates from Internal Audit and the External Auditors of the States, review deficit, fraud and value for money audit reports, management letters on the annual States' Accounts, recommend the re-appointment of the External Auditors and take the leading role in the tendering process and subsequent appointment of the External Auditors. It would also undertake reviews as directed by the Committee and advise the Committee on possible areas of investigation.

Accounts Review Group

7.7 At the end of 2010, it was decided to form an Accounts Review Group to act on behalf of the full Committee in questioning expenditure to ensure waste and extravagance are eradicated, by reviewing the States accounts, the annual States

Budget Report and the States Strategic Plan.

States' Billets d'États

- 7.8 The Committee regularly reviews the monthly Billets d'État for financial matters prior to the relevant meeting of the States of Deliberation taking place. Initially, any areas of concern are raised and after consideration, Members decide whether or not to take the matter further through either correspondence with the Department concerned, or raised in the States Assembly during debate.
- 7.9 Matters raised during this period by correspondence, encompass subjects such as the Airport Firefighters Dispute, the Nursery subsidy and the Airport Pavements update, as detailed in Appendix IV.

Post Implementation Reviews

- 7.10 The States approved the Construction Codes of Practice within the Financial and Resource Management Rules in October 2009¹². This approval and the subsequent implementation of these by Departments, were all steps forward in helping to ensure a more corporate approach to future projects.
- 7.11 The role of the Committee in reviewing Post Implementation Reviews (PIRs) is set down within the Financial and Resource Management Rules.
- 7.12 PIRs should be carried out in two stages whenever a capital asset is procured (building, computer system, etc). The first stage is to ascertain how the contract was executed and whether it was effective and the second stage to show that the original aims of acquiring the new asset have been met. It is important that lessons learnt after completion of projects are implemented prior to the commencement of future projects.
- 7.13 A full list of the PIRs reviewed is found in Appendix V. The Committee will continue to receive PIRs and when the information contained therein has been considered, will assess whether further action is required against its experience and review of previous projects.

Managing Sickness Absence

- 7.14 In late 2008, the Committee commenced a follow up to its States Report into 'Managing Sickness Absence in the States of Guernsey' which had been presented as an appendix to Billet d'État XVIII November 2006, as it had indicated that it would revisit the progress made at a later date as it does with all of its reviews.
- 7.15 In September 2010, an update was prepared by the Committee based on data for the years 2005 to 2008 and forwarded to the Policy Council, who has

¹² Billet d'État XXXI Vol. I, November 2009

responsibility for this area.

- 7.16 The Committee was greatly encouraged with the reported improvements in managing sickness absence and that new sickness absence guidelines had been introduced across the Civil Service in January 2010.

Industry Support Schemes

- 7.17 In March 2010, the Committee initiated a follow up on Industry Support Schemes in Guernsey as it had been a while since the publication of the Committee's Report in September 2006¹³. This commenced with a written request to the Commerce and Employment Department to ascertain what progress had been made.
- 7.18 On receipt of the response from Commerce and Employment Department in June 2010, the Committee determined that no further action was required.

Guernsey Water

- 7.19 In October 2007, the States of Deliberation resolved that the Committee should continue to monitor Guernsey Water re the recommendations put forward in its States Report of the same date.
- 7.20 In January 2011, the Committee received an update on the progress made on those recommendations and will continue to monitor progress in this area within its programme of follow up reviews.

St. Sampson's Marina and the Airport Terminal Building

- 7.21 The Committee requested updates in respect of the legal issues of both contracts on a number of occasions during 2010 and 2011.
- 7.22 The Committee will continue to monitor developments until all the legal issues have been resolved satisfactorily on both contracts.

The Committee is convinced that monitoring the progress made on recommendations from its Reports following completion of a review, is an extremely important part of its role.

¹³ Billet d'État XVI, September 2006 – Industry support schemes in Guernsey

8 Other scrutiny

- 8.1 A scrutiny function within the States of Guernsey is exercised by the Public Accounts Committee, the Scrutiny Committee, the Legislation Select Committee, external audit, internal audit and during this period, extended further by the introduction of the Financial Transformation Programme (FTP). The scrutiny bodies work together to ensure that duplication of work is eliminated and hopefully value for money is achieved in every aspect of the States' day to day affairs.

External Audit

- 8.2 The Committee is mandated to recommend the appointment of the External Auditors. Although the External Auditors have a relationship with the Treasury and Resources Department, it is important that they report their programme of work and findings to an independent authority. In the absence of an Audit Committee or Auditor General, the Public Accounts Committee undertakes this role.
- 8.3 The Committee, through its Audit Sub Committee, meet the appointed External Auditors in order to be apprised of the findings of the annual audit of accounts for the States and applicable non States bodies.
- 8.4 By liaising with all the bodies audited, the Committee regularly during the term of the contract, assesses the performance of the External Auditors.

Internal Audit

- 8.5 In the past as part of its ongoing work on financial management, the Committee would receive updates from the Internal Audit Section, which was charged with ensuring that internal controls were adequate and that risk management and governance was in place.
- 8.6 Early in the days of the Committee's existence, there was close liaison with this section, meeting on a quarterly basis, exchanging information and providing the independent support previously afforded by the Audit Commission.
- 8.7 From 2008 until the beginning of 2011 however, the Committee had limited interaction with Internal Audit and received very few completed internal audit reports. Although internal audits were carried out during this period, the Committee was updated of findings fed back to it from the States external auditors, until it received the completed reports. Whilst the Committee challenged the lack of Internal Audit on a number of occasions during this period, this function continued to be outsourced.
- 8.8 The Committee is pleased to note however, that in January 2011 a new Head of Internal Audit was appointed, who has outlined to the Committee how he anticipated Internal Audit would evolve. The Committee looks forward to

strengthening this important relationship.

Financial Transformation Programme

- 8.9 As mentioned earlier in this report, in 2009 the States approved the Financial Transformation Programme. The remit of this programme was to research further the 107 initial Summary Opportunity Reports produced by the Fundamental Spending Review and in order to be able to achieve savings to finance new services through the States Strategic Plan.
- 8.10 During the latter half of 2009 and the early part of 2010, the Committee observed how this work was bedding in and the impact it would have on the Committee's own existing and future work programmes as well as meeting with the team in June 2010 to discuss this in detail.
- 8.11 Good communication between the Committee and the Financial Transformation Executive will be key to avoiding duplication of work streams in future, but also to ensure that areas that are found lacking, are still reviewed.
- 8.12 The Committee through its CRWP, also queried with the Treasury and Resources Department the contract between the then named Tribal Consulting Ltd and the States of Guernsey. The Committee continues to monitor the output from the FTP as it directly affects the way the States financial management operates.

Scrutiny Committee

- 8.13 In Guernsey, the Scrutiny Committee reviews policy as it is developed and applied, but also has the mandate to review service delivery. During the period of this Report, both Committees have been working to ensure that full scrutiny of all activities of the States is achieved and have met on a number of occasions at both full Committee and Chairman/Deputy Chairman level.
- 8.14 Currently, representatives from both the Public Accounts Committee and Scrutiny Committee are working together with representatives of the States Assembly and Constitution Committee as the Joint Committees Working Party. This is continuing the work of the Public Accounts Committee's review of 'Governance in the States of Guernsey'¹⁴.

9 The completion of the current Term of Office

- 9.1 As the Committee completes yet another busy period, the Committee is aware that it will be equally as busy, as it works to complete its final year of its term of office.

¹⁴ *Review of Governance in the States of Guernsey*, Billet d'Etat IV March 2011

- 9.2 The progress on the value for money review on Secondary Healthcare will be monitored, whilst a new review into ICT and a follow up on its 2008 Risk Management and Insurance review will be commenced. Entities from the Committee's Framework Agreement will be commissioned, following the usual scoping and quoting process.
- 9.3 The recently formed Accounts Review Group of the Committee will finalise its review of the 2010 States Accounts. A hearing with the Chief Accountant has already been held to clarify certain areas that Members thought warranted a more detailed explanation and Members will be deciding on what next steps to take, if any, in the near future.
- 9.4 Public Accounts Committees worldwide are mostly supported by an independent Auditor General (AG), as it can be difficult for a Public Accounts Committee to work in isolation. Auditors General are empowered through legislation to undertake value for money reviews in any organisation where public money is spent and it is a recommendation of the World Bank that an AG is appointed in every jurisdiction.
- 9.5 During the period this Report covers, the Committee's Auditor General Working Party (AGWP) has fully researched the possibility of incorporating an AG into the scrutiny function of the States of Guernsey.
- 9.6 A 'Green Paper' will be prepared to allow States Members an opportunity to discuss the overall financial scrutiny function of the States of Guernsey, before confirming the preferred option.
- 9.7 In addition, in the latter part of 2011 it is envisaged that there will be a comprehensive review of the scrutiny function of the States' following the recommendation of such in the Committee's Report '*Governance in the States of Guernsey*'. The procedures of the Committee itself will be reviewed alongside those of the Scrutiny Committee and Legislation Select Committee.
- 9.8 Also on the work schedule of the Committee, is the re-tendering for the appointment of the External Auditors of the States of Guernsey as the existing five-year contract draws to a close in 2012.
- 9.9 The Committee will be heavily involved in the next few months with the re-tendering process. This includes setting the criteria, preparing the tender documents, analysing the responses and meeting all the tendering companies, so that the appointment can be made in time for the presentation of the States accounts in early 2012.
- 9.10 The continuation of its monitoring work, reacting to general States business and ensuring that the States operate to the highest standards in the management of their financial affairs, will also be of high importance during this time.
- 9.11 As an election is to be held in April 2012, the Committee's Induction Plan for

new Members will be reviewed and updated where necessary, so that the procedures and documentation are ready when the new term of office commences.

10 Need for Legislation

- 10.1 There is no requirement for legislation with regard to this Report.

11 Principles of Good Governance

- 11.1 The Committee was responsible for bringing the Six Core Principles of Good Governance to the States of Deliberation in March of this year, following its detailed review on the same subject. The whole ethos of those principles are encompassed in all aspects of the Committee's work.

12 Conclusion

- 12.1 The work of Public Accounts Committee has a clear direction to achieve better value and endeavours to ensure that the highest standards are operated in the management of the States of Guernsey's financial affairs. During the period covered by this Report, procedures of financial and resource management have become mandatory.
- 12.2 The Committee continues to review and promote cost effectiveness through its reviews and investigations and its proposals for the future should secure greater accountability within the States. By promoting the adoption of stronger financial scrutiny methods the Committee will continue to contribute to the improvement of the operations of the States.
- 12.3 Also, during the period of this Report the issues as covered in the Committee's Report of March 2011 relating to the six Core Principles of Good Governance have been adopted throughout the States of Guernsey.

Yours faithfully

Deputy L. R. Gallienne
Chairman

Public Accounts Committee:

Deputy B. J. E. Paint (Vice-Chairman)
Deputy Mrs T. J. Stephens
Mr M. E. Best
Advocate M. A. J. Helyar

Deputy M. G. G. Garrett
Deputy M. J. Storey
Mr C. H. Bradshaw
Mr J. E. Thomas

Appendix I

Public Accounts Committee Membership from 1 May 2009 – 30 September 2011

Full Committee

Deputy L. R. Gallienne (Chairman)
 Deputy B. J. E. Paint (Vice-Chairman)
 Deputy M. G. G. Garrett
 Deputy Mrs T. J. Stephens
 Deputy M. J. Storey
 Mr M. E. Best
 Mr C. H. Bradshaw
 Advocate M. A. J. Helyar
 Mr J. E. Thomas

Audit Sub-Committee

Deputy L. R. Gallienne (Chairman)
 Deputy M. J. Storey
 Mr J. E. Thomas

Contract Review Working Party

Mr M. E. Best (Chairman)
 Deputy M. G. G. Garrett
 Deputy Mrs T. J. Stephens
 Advocate M. A. J. Helyar

Accounts Review Group

Mr J. E. Thomas (Chairman)
 Deputy L. R. Gallienne
 Deputy M. G. G. Garrett
 Deputy M. J. Storey

Subject Specific Groups

Auditor General Working Party

Deputy L. R. Gallienne (Chairman)
 Mr C. H. Bradshaw
 Mr J. E. Thomas

Governance

Deputy Mrs T. J. Stephens
 Deputy M. J. Storey (*from May 2010*)
 Mr M. E. Best
 Advocate M. A. J. Helyar

Investments

Deputy M. J. Storey
 Deputy B. J. E. Paint
 Mr C. H. Bradshaw

Sickness Absence

Deputy L. R. Gallienne
 Deputy Mrs T. J. Stephens
 Mr M. E. Best

Appendix II

Visitors to PAC Full Committee from 1 May 2009 – 30 September 2011:

- Wales Audit Office - *Review of Good Governance (2009 + 2010)*
 - Engagement Partner x5
 - Governance Manager x4
 - Compliance Manager x3
- States of Guernsey - *Review of Good Governance (2010)*
 - Chief Executive
 - Deputy Chief Executive x4
 - Head of Human Resources and Organisational Development x2
- FGS McClure Watters - *New Jetty Review (2009)*
 - Partner
- PricewaterhouseCoopers - *Review into the Investments of The States of Guernsey (2009)*
 - Partner
 - Senior Manager
 - Manager
- Sector Treasury Services Limited – *Value for Money Review of Secondary Healthcare in Guernsey (2011)*
 - Review Director
 - Lead Consultant
 - Senior Consultant
- HM Comptroller x5 - *Review of Good Governance (2010)*
- Deputy Chief Executive x2 – *Auditor General (2011)*
- Head of Internal Audit x2 – *Observing meeting (2010) + Presentation (2011)*
- Human Resources – *Sickness Absence follow-up report (2010)*
 - Head of Human Resources and Organisational Development
 - Human Resources Manager
- Treasury & Resources Department - *States Rules for Financial and Resource Management (2009)*
 - Chief Officer
 - Chief Accountant
 - Director of Corporate Procurement
 - Director of ICT
 - Strategy Compliance Manager
 - Senior Project and Policy Manager
- Director States Property Services, T&R - *Project processes and management (2009)*
- Deputy Chief Executive - *Purchase of Tankships (2009)*
- Emergency Powers Authority - *Role and function (2009)*
 - Chief Officer, Home Department
 - Emergency Planning Officer, Home Department
- Director General, Office of Utility Regulation - *Role and funding of OUR (2009)*
- States Strategic Plan Team – *SSP (2010)*
 - Chairman plus 3 members

- Deputy Policy Analyst
- Financial Transformation Programme Directorate – *Fundamental Spending Review (2010)*
 - Programme Director
 - Deputy Programme Director
- Public Services Department – *Review of Contracts (2010)*
 - Minister
 - Chief Officer
 - Lawyer from St James Chambers
- Health and Social Services Department – *Secondary Health Care Review*
 - Chief Officer (2010 and 2011)
 - Assistant Director (2011)
 - Senior Manager (2011)
- Social Services Department – *Secondary Health Care Review*
 - Chief Officer (2011)
 - Finance Director (2011)
- Falkland Islands PAC - *Observing meeting (2010)*
 - Chairman
 - Member of the Legislative Assembly
 - Non-States member
- Jersey Public Accounts Officer - *Observing meeting (2009)*
- Jersey Public Accounts Committee – *2 joint meetings (1 in Jersey) (2010)*
 - Chairman x2
 - Vice Chairman x2
 - 2 States Members x1, 1 States Member x1
 - 1 Non-States Member x1, 3 Non-States Member x1
 - PAC Officer x2
- Comptroller & Auditor General for Jersey – *in joint meeting with Jersey PAC (2010)*

In addition the following hearings were held from 1 May 2009 – 30 September 2011:

‘EDP1 - Post Implementation Reviews’ – 14 May 2009

Attendees:

Director of Education, Education Department

Assistant Director, Asset Management, Education Department

Assistant Director, Planning and Projects, Education Department

Schools Planning Manager, Education Department

Head of Project Services, SPS Treasury & Resources Department

‘New Jetty Review’ – 24 September 2009

Attendees:

Chief Officer, Public Services Department

Solicitor, New Jetty Supervisory Group

New Jetty Claims Coordinator, Public Services Department

Project Services Manager, SPS Treasury & Resources Department
Director of States Property Services, Treasury & Resources Department
Head of Project Services, SPS Treasury & Resources Department

‘Review into Investments in The States of Guernsey’ – 4 February 2010

Attendees:

Chief Officer, Social Security Department
Manager Finance, Social Security Department
Chief Accountant, Treasury & Resources Department
Investment Advisor to Treasury & Resources Department
Investment Consultant to Treasury & Resources Department

Also present:

Partner, PricewaterhouseCoopers CI LLP
Senior Manager, PricewaterhouseCoopers CI LLP

‘Review of the States’ Accounts 2010’ – 4 August 2011

Attendee:

Chief Accountant, Treasury and Resources Department

Further meetings, interviews, workshops and public meetings were held as part of the Public Consultation in relation to the review on Good Governance and release of the Wales Audit Office Report.

Appendix III

Visitors to PAC Working Parties and Sub-Committees from 1 May 2009 – 30 September 2011

Visitors to the Contract Review Working Party:

- Author of Education EDP1 PIRs;
- PSD - Minister; Chief Officer;
- Deputy A. H. Brouard;
- T&R - Minister; Chief Officer; Chief Accountant;
- SPS - Director; Head of Project Services; Compliance and Strategy Manager.

The Working Party met 9 times during this period.

Visitors to the Audit Sub-Committee:

- Chief Accountant, Treasury & Resources Department;
- Assistant Chief Accountant, Treasury & Resources Department;
- Partner and Manager, Deloitte LLP (x 6);
- Client MD, Deloitte LLP;
- Partner and Manager, KPMG Channel Islands Ltd.

The Sub-Committee met 8 times during this period.

Visitors to the Auditor General Working Party:

- Representatives of: National Assembly of Wales (3), Northern Ireland Assembly (1), UK Parliament (1), Scottish Parliament (1), Tynwald, Isle of Man (1);
- *AGWP visit to PAC Jersey*: Comptroller & Auditor General for Jersey, Chairman, Vice-Chairman plus 4 members and Clerk to PAC Jersey, previous Chairman of PAC Jersey.

The Working Party met 4 times during this period.

Subject specific groups were also in place during the period:

Governance Group	14 meetings
Investments Group	5 meetings
Sickness Absence Group	1 meeting
Accounts Review Group	5 meetings

Appendix IV

Correspondence topics during the period 1 May 2009 to 30 September 2011 -

(Excluding those from the general public, those related to reviews or investigations, 'Green' papers and other administrative matters):

Commerce & Employment

Department re: External Audit services
Promoting competition and preventing market abuse
Public consultation on Employment Law and protections
Industry support schemes in Guernsey
Office of Utility Regulation
Fishermen's compensation

Culture & Leisure

Department re: Public Catalogue Foundation
External Audit services

Education Department re:

Part Two PIR for Baubigny Schools project
Les Beaucamps High School rebuild
Education Schools Pack
External Audit services

Health and Social

Services Department re: Nursery subsidy
HSSD PIRs
External Audit services

Home Department re:

Presentation on Emergency Planning
External Audit services

Housing Department re:

States Accounts
Housing Associations in Guernsey
External Audit services
'Extra Care' Housing

Policy Council re:

Purchase of tankships
Requête - Airport Firefighters Tribunal
Creating a States Employment Board
Cooperation with Jersey
Managing Guernsey's Population: Consultation

Public Services Department re:

Residual Waste Treatment
Walters Requête and Airport overspend
Airport Pavements

	States Trading Entities External Audit services Update on contracts
Social Services Department re:	External Audit services
Treasury & Resources Department re:	Staff Number Limitation Policy Cabernet Group accounts Audit of non-States bodies Rules for Financial and Resource Management IT Directives IT PIRs Audit of DCS Insurance Ltd Audit of JamesCo 750 Ltd Fundamental Spending Review: Phase Two Centralisation of project management Excise duty on marine fuels Internal Audit External Audit of Small Entities External Audit services Capital Prioritisation
Scrutiny Committee re:	Monitoring States resolutions Public engagement Staff Number Limitation Policy
States Assembly and Constitution Committee re:	Rescinding resolutions Implementation of Clinical Block recommendations
PERRC re:	Funding Ecclesiastical Court
Law Officers re:	Mandate of the Public Accounts Committee
KPMG Channel Island Ltd re:	Audit matters
Deloitte LLP re:	Appointment of External Auditors
Commonwealth Parliamentary Association re:	Audit of CPA

Appendix V

Post Implementation Reviews received during the period 1 May 2009 to 30 September 2011

From May 2009 to April 2011, the CRWP on behalf of the Committee, has welcomed the arrival of :

- a) Four PIRs from the Health and Social Services Department:
 - Phase 5 of the Clinical Block at Princess Elizabeth Hospital
 - Mignot Memorial Hospital
 - John Henry Court
 - Combined CT/MRI Imaging Suite
- b) One PIR from the Education Department:
 - Baubigny Schools Project – Parts One and Two
- c) Six PIRs from the IT Unit of Treasury and Resources Department
 - Information System for the Sheriff's Office
 - Guernsey Registry System
 - Electronic Health and Social Care Record System (*Phase 1 - Pharmacy Stock Control and Dispensing*)
 - On-Line Sports and Theatre and Events Booking Facility
 - Environment Planning System to support the Planning Laws
 - Housing Control System Replacement

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 15TH DAY OF DECEMBER, 2011**

**The States resolved as follows concerning Billet d'État No XXI
dated 4th November 2011**

**THE HOUSING (CONTROL OF OCCUPATION) (AMENDMENT OF
HOUSING REGISTER) (NO. 2) ORDINANCE, 2011**

- I.- To approve the draft Ordinance entitled “The Housing (Control of Occupation) (Amendment of Housing Register) (No. 2) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

PRIAULX LIBRARY COUNCIL

NEW MEMBER

- II.- To re-elect Deputy Roger Domaille as a Member of the Priaulx Library Council with effect from 1st January, 2012

PUBLIC SERVICES DEPARTMENT

**BELLE GREVE PHASE V – PROPOSED NEW INLET WORKS AND
STORMWATER RETENTION FACILITY**

III.- After consideration of the Report dated 17th October, 2011, of the Public Services Department:-

1. To approve the Belle Greve Phase V Project, comprising the construction of the new Inlet Works and Stormwater Storage facilities as set out in this report.
2. To approve the acceptance of the tender from Trant (Guernsey) Ltd to undertake the main construction works associated with the project.
3. To authorise the Treasury and Resources Department to transfer the sum of £11,030,000 from the Capital Reserve to the capital allocation of the Public Services Department in respect of these works.

TREASURY AND RESOURCES DEPARTMENT

MONT VAROUF SCHOOL (FORMERLY ST SAVIOUR'S SCHOOL)

IV.- After consideration of the Report dated 28th October, 2011, of the Treasury and Resources Department:-

1. To direct the preparation of such legislation as may be necessary to vest legal title, in the land and building comprising Mont Varouf School, in the Constables for the time being of the Parish of Saint Saviour and the States of Guernsey in such shares and upon such terms as are agreed between the Department and the Constables and Douzaine of the Parish, including terms which will release the land from any obligations or covenants as to its use.
2. To approve the conveyance of all the property interests of the States of Guernsey in respect of the Mont Varouf site to St Saviour's Parish for the nominal sum of £1.00, subject to approval of the final form of any conveyance being agreed by the Law Officers of the Crown and the Department.
3. To agree that the conveyance of those interests to the Parish will be subject to provisions, consistent with the proposals set out in this Report, designed to preserve for the States of Guernsey the option to a 50% share in the net proceeds of any commercial disposal of those interests, after a deduction has been made in respect of any capital investment made by or on behalf of the Parish to carry out the conversion as described in this Report, in the event that the premises are disposed of within the period of 25 years from the date of the Conveyance.

PUBLIC SERVICES DEPARTMENT

GUERNSEY AIRPORT RADAR REPLACEMENT

V.- After consideration of the Report dated 20th September, 2011, of the Public Services Department:-

1. To approve the acceptance of the tender from Thales ATM Ltd in the sum of £2,748,569.
2. To approve a capital vote of £3,250,000 for the radar replacement charged to the Accounts of Guernsey Airport.
3. To authorise the Treasury and Resources Department to transfer a maximum sum of £3,250,000 from the Capital Reserve to Guernsey Airport in respect of this project.

ORDINANCE LAID BEFORE THE STATES

**THE LIBYA (RESTRICTIVE MEASURES) (GUERNSEY) (AMENDMENT)
(NO.3) ORDINANCE, 2011**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Libya (Restrictive Measures) (Guernsey) (Amendment) (No.3) Ordinance, 2011, made by the Legislation Select Committee on 11th October 2011, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

WASTE DISPOSAL CHARGES (NO.3) REGULATIONS, 2011

In pursuance of section 32(2)(c) of Environmental Pollution (Guernsey) Law, 2004, the Waste Disposal Charges (No.3) Regulations, 2011, made by the Public Services Department on 7 October 2011, was laid before the States.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL
BENEFIT) (AMENDMENT NO.5) REGULATIONS, 2011**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No.5) Regulations, 2011, made by the Social Security Department on 5 October 2011, was laid before the States.

J. TORODE
HER MAJESTY'S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 15TH DAY OF DECEMBER, 2011**

**The States resolved as follows concerning Billet d'État No XXI
dated 4th November 2011**

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

**RULES RELATING TO THE ELECTION OF CHIEF MINISTER,
DEPUTY CHIEF MINISTER, MINISTERS AND CHAIRMEN**

VI.- After consideration of the Report dated 20th October, 2011, of the States Assembly and Constitution Committee:-

TO NEGATIVE THE PROPOSITION that Rule 20 of the Rules of Procedure of the States of Deliberation be amended with immediate effect as follows:

1. Delete sub-paragraph (3) (d) and add:

- “(d) at the election meeting, the Presiding Officer shall, in respect of each candidate (or the candidate if there is only one)
 - (i) invite the candidate to speak for not more than 10 minutes;
 - (ii) allow Members to question each candidate for a period not exceeding 30 minutes, provided that
 - (1) no Member may ask more than one question;
 - (2) the questioner may not speak for more than 30 seconds;
 - (3) the candidate may not speak for more than 1 minute in response to each question;
- (e) whilst a candidate is speaking or being questioned in accordance with the provisions of the preceding sub-paragraph, other candidates must withdraw to a place where they cannot hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”.

2. Delete paragraph (4) and substitute:

“On a proposition to elect a Minister or Deputy Chief Minister:

- (a) the Presiding Officer shall first invite the Chief Minister, and thereafter other Members, to propose eligible candidates. Nobody shall speak about a candidate at that stage; and if only

one candidate is proposed and seconded the Presiding Officer shall put the election of that candidate to the vote without speeches;

- (b) if more than one candidate is proposed, the Presiding Officer shall, in respect of each candidate
 - (i) invite the candidate to speak for not more than 10 minutes;
 - (ii) allow Members to question each candidate for a period not exceeding 30 minutes, provided that
 - (1) no Member may ask more than one question;
 - (2) the questioner may not speak for more than 30 seconds;
 - (3) the candidate may not speak for more than 1 minute in response to each question;
- (c) whilst a candidate is speaking or being questioned in accordance with the provisions of the preceding sub-paragraph, other candidates must withdraw to a place where they cannot hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”.

3. Delete paragraph (5) and substitute:

“On a proposition to elect a Chairman of a Committee:

- (a) the Presiding Officer shall first invite Members to propose eligible candidates. Nobody shall speak about a candidate at that stage; and if only one candidate is proposed and seconded the Presiding Officer shall put the election of that candidate to the vote without speeches;
- (b) if more than one candidate is proposed, the Presiding Officer shall, in respect of each candidate
 - (i) invite the candidate to speak for not more than 10 minutes;
 - (ii) allow Members to question each candidate for a period not exceeding 30 minutes, provided that
 - (1) no Member may ask more than one question;
 - (2) the questioner may not speak for more than 30 seconds;
 - (3) the candidate may not speak for more than 1 minute in response to each question;
- (c) whilst a candidate is speaking or being questioned in accordance with the provisions of the preceding sub-paragraph, other candidates must withdraw to a place where they cannot hear the proceedings in the Assembly. No Member shall be entitled to speak other than in accordance with the provisions of the preceding sub-paragraph.”.

4. In paragraph (7) delete the first sentence and substitute therefor:

“On a proposition to elect a Chairman or members of a Non-Governmental Body, the Presiding Officer shall invite Members to propose eligible candidates.”.

PUBLIC ACCOUNTS COMMITTEE

REPORT FOR THE PERIOD 1st MAY 2009 TO 30th SEPTEMBER 2011

Having resolved, pursuant to Rule 21 of the Rules of Procedure of the States of Deliberation, to debate the Appendix to Billet d'État XXI of 2011, that is the Report of the Public Accounts Committee entitled Report for the period 1st May 2009 to 30th September 2011, to take note of the Report.

S M D ROSS
HER MAJESTY'S DEPUTY GREFFIER